

Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the tropics.

44. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay, the Master of such vessel shall obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates, under the hands of such Protector and Emigration Agent respectively, to the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrants proceeding in such vessel, done all that is hereinbefore required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions herein contained for ensuring the health, comfort and safety of the Emigrants have been duly complied with, as well as all such rules as the Governor General in Council from time to time frames under section fifty-six.

#### X.—EMBARKATION.

45. If any Emigrant without sufficient cause refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board ship against his will, or to detain him against his will at the depôt or elsewhere: but nothing in this section shall diminish or affect the civil or criminal liabilities, which such Emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Every case in which an Emigrant is charged before a Magistrate of Police in a Presidency Town with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such labourer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

46. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration is lawful under this Act, at all times of the year.

For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first day of July and the first day of March, unless they embark in vessels using steam-power, in which case they may leave at any time of the year.

Provided that, in cases of emergency, the Local Government may permit Emigrants for any place West of the Cape of Good Hope to leave between the thirty-first day of July and the first day of April.

47. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labour by old age, bodily infirmity, or disease.

If the Protector of Emigrants is of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit his embarkation, and the husband, wife, father, mother, or child of such emigrant may, notwithstanding anything herein contained, refuse to embark.

The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that he has in his possession the copy of the registration provided under section twenty-seven or section twenty-nine.

If it appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost such copy, the Protector may furnish such Emigrant with another copy of such registration, to be made from the copy received by the Protector from the Magistrate under section twenty-seven or from the Register kept by himself under section twenty-nine, and shall thereupon allow such Emigrant to embark.

48. The Protector of Emigrants shall explain to all Emigrants, prior to their embarkation, the substance of the provisions of this Act so far as they immediately affect such Emigrants.

49. (1.) When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall furnish the Master of the vessel with five copies of a list, specifying, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

(2.) On embarkation, every Emigrant shall deliver to the Master of the vessel the pass granted to him under section thirty-eight; and the Master shall not receive any Emigrant on board unless he delivers up such pass. The Master shall compare the Emigrants who embark and the passes delivered by them with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

(3.) The Protector of Emigrants shall be personally present at the embarkation of all Emigrants, and shall see that the Master duly compares the list with the passes and Emigrants, and he shall himself also compare the list with the passes and Emigrants.

(4.) The Medical Inspector shall also be personally present at the embarkation of all Emigrants and shall examine each Emigrant to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed; and the provisions of sections thirty-four, thirty-five and thirty-six shall apply, *mutatis mutandis*, to Emigrants examined under this clause.

(5.) When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes

them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the office of the Protector of Emigrants.

(6.) The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a pass, or is not mentioned in the list aforesaid.

(7.) Every pass delivered up to the Master of a vessel under this section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

50. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others of the five copies of the list of Emigrants mentioned in section forty-nine, duly signed by the Master.

The Emigration Agent shall thereupon sign such copies, and shall return to the Master one of the said copies, which shall, on the arrival of the vessel at the place of destination and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper officer, at such place.

51. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the passes of the Emigrants and from the list signed by the Master as aforesaid.

52. The Master of every vessel carrying Emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

53. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to sea under tow of a competent steamer.

54. Two copies of this Act and of all rules made by the Governor General in Council under section fifty-six, and two copies of a translation of this Act and of such rules, in such language or languages as the Local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage.

One of such copies or translations shall, upon request made at any reasonable time to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

55. In case of sickness breaking out on board of any vessel conveying Emigrants to Seychelles, such Emigrants may be taken to the quarantine-station of Mauritius.

In such case the Emigrants may, at their option, contract for service at Mauritius, or may proceed to Seychelles.

If they elect to contract for service in Mauritius, such Emigrants shall then be regarded and treated in all respects, as if they had emigrated to Mauritius under the provisions of this Act.

#### XI.—SUPPLEMENTARY POWERS.

56. The Governor General in Council may from time to time make rules consistent with this Act,—

(1.) To regulate the proportion of women to be taken with Emigrants, the proportion of children to be taken with adults, and the age below or above which children shall not be taken;

(2.) To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants;

(3.) To provide for the medical care of Emigrants during their residence at the depôts and on their voyages;

(4.) To prescribe the nature, quality and quantity of medical drugs and other stores to be carried on board such vessels;

(5.) To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire;

(6.) To provide for a journal being kept, by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death;

(7.) And generally to provide for the security, well-being, and protection of Emigrants.

All such rules shall be published in the *Gazette of India* and shall have effect as if they were contained in this Act.

Provided that, in cases of emergency, the Local Government may permit any vessel carrying Emigrants to leave port although the proportion of women or children embarked on board such vessel is not in accordance with the said rules.

57. Whenever the Governor General in Council has reason to believe that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein, or for their safe return to India, or to provide a return-passages to India for any such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may, by notification



published in the *Gazette of India*, declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

58. After any notification has been published under section fifty-seven, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

59. During the time of such suspension any provisions of this Act prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labour to be performed by any Native of India out of the British territories in India, shall take effect so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

60. Whenever the Governor General in Council is satisfied that, in the place specified in any notification under section fifty-seven, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return-passages to India for such Emigrants at or about the time at which they are entitled to such return-passages, the Governor General in Council may notify in the *Gazette of India* that emigration to such place shall again be allowed from a day to be specified in such notification.

Thereupon all the provisions of this Act authorizing emigration to such place shall, from the day so specified, be revived and have the same effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

61. Whenever the Governor General in Council or the Local Government has reason to believe that, in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of Emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such Emigrants at or about the time at which they are entitled to such return-passage,

the Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local *Gazette* (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Governor General in Council under this section may be cancelled by notification in the *Gazette of India*.

Any notification issued by the Local Government under this section may be cancelled by order of the Governor General in Council, or by the Local Government.

62. The Governor General in Council may from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen and thirty-one and may also in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

## XII.—SPECIAL PROVISIONS AS TO FRENCH COLONIES.

63. The French Government may nominate a person to be Emigration Agent under this Act for each of the Ports of Calcutta, Madras and Bombay. Provided that such person, before entering on the duties of his office under this Act, has been approved by Her Majesty.

64. The Emigration Agents so nominated and approved as aforesaid shall be authorized, under the conditions prescribed in this Act, to recruit and engage Native labourers for all or any of the French Colonies aforesaid.

65. The said Emigration Agents shall act in conformity with the regulations now or hereafter existing for the recruitment of Native labourers for British Colonies, and shall, with regard to the operations of recruitment which are entrusted to them, enjoy for themselves and the persons whom they may employ in the management of the said operations, all the facilities and the advantages afforded to the Emigration Agents for British Colonies.

66. The Protector of Emigrants at each of the three British Ports aforesaid, shall act for the British Government as Protector of labourers emigrating under the provisions of this Part of this Act.

In French Ports in India the duty imposed on the British Consular Agents by Article V of the Convention printed in the third schedule hereto annexed shall be performed under such instructions as may be given by the Governor General in Council in this behalf.

67. All contracts of service made with labourers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX and clause two of Article X of the said Convention, shall be made in India, and shall bind the Emigrant either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the Colony to which he emigrates.

68. The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—  
 Matters to be provided for in contract.

(1.) The duration of the engagement at the expiration of which the Emigrant shall receive a return-pass to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-pass.

(2.) The number of days and hours of work.

(3.) The wages and rations as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

(4.) Gratuitous medical treatment for the Emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5.) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

69. The Governor General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.  
 Power to extend Act to French Colonies not expressly named.

Such declaration shall have the same effect as if it formed part of this section.

70. Every Emigrant vessel sailing to a French Colony shall carry an European Surgeon and an Interpreter.  
 Emigrant vessel to carry European Surgeon and Interpreter.

### XIII.—PENALTIES.

71. Whoever, except under and in conformity with the provisions of this Act, makes any contract with any Native of India for labour to be performed in any place beyond British India to which emigration is not authorized under this Act, shall be deemed to have committed the offence specified in section three hundred and sixty-three of the Indian Penal Code;  
 For making unlawful contract of labour.

And whoever knowingly enables or assists any Native of India to emigrate to any such place, or aids in or abets the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

72. Whoever, not being a Recruiter duly licensed under this Act, acts or is employed as a Recruiter of labourers, or contrary to the provisions of this Act, enters into any contract with a Native of India for labour to be performed by such Native in any place beyond British India, shall be liable to a fine not exceeding five hundred rupees.  
 For recruiting without being licensed.

73. Whoever, being a duly licensed Recruiter, removes any Emigrant whom he may engage in any district or place other than the towns of Calcutta, Madras or Bombay, from such district or place, without such  
 For Recruiter failing to take engaged labourers before Magistrate or Protector.

Emigrant having appeared along with the Recruiter before a Magistrate in order that the Emigrant might be examined and registered;

and whoever removes any Emigrant whom he may engage in any one of the towns of Calcutta, Madras or Bombay, from such town, or to an emigration depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that the Emigrant might be examined and registered;

and whoever by means of intoxication, violence, fraud, or false pretences, induces any Native of India to enter into a contract for labour to be performed by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;

and whoever fails to supply any Emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such Emigrant on his journey to the depôt;

and whoever forwards, sends or conveys any such Emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the Towns of Calcutta, Madras or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant has contracted to labour,

shall be liable to a fine not exceeding five hundred rupees.

74. Whoever, being a duly licensed Recruiter, forwards or sends any Emigrant from the district or town in which he has entered into an engagement, to any emigration depôt, without such Emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;

and whoever, being a duly licensed Recruiter, induces or knowingly permits any such Emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid,

shall be liable to a fine not exceeding five hundred rupees.

75. Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred rupees.  
 For false representation of Government authority.

76. The Master of any vessel which has not been licensed as provided in section forty, knowingly receiving any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, shall be liable to imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.  
 For receiving Emigrants in an unlicensed vessel.



77. If the Master of any vessel, at the port of Calcutta, the port of Madras, or the port of Bombay, clears such vessel for any place to which emigration is lawful under this Act, and takes on board any Emigrant without having fully complied with every particular required in sections forty-one and forty-two, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

78. If the Master of any vessel, after having cleared such vessel for any place to which emigration is lawful under this Act, takes on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in sections forty-nine and fifty, and in the manner in those sections prescribed, he shall be liable to a fine not exceeding two hundred rupees for every Emigrant so taken on board.

79. If after having obtained a certificate in accordance with the provisions of section forty, the Master of any vessel cleared for any place to which emigration is lawful under this Act, fraudulently does, or suffers to be done, any act or thing whereby such certificate becomes inapplicable to the altered state of the vessel or other matter to which such certificate relates, he shall be liable to a fine not exceeding five thousand rupees, and he may also be sued on any bond which he may have executed in consideration of any license obtained for the vessel as originally described.

80. If the Master of a vessel sailing from the port of Calcutta, licensed under section forty and sailing with Emigrants on board, without reasonable excuse causes or allows his vessel to proceed from Garden Reach to sea, or to proceed any part of the distance between Garden Reach and sea, without his vessel being under tow of a competent steamer, or if such vessel has not left Garden Reach and proceeded on her voyage within the time prescribed in section fifty-two,

the Master of such vessel shall be liable to a fine not exceeding one thousand rupees.

81. All the powers vested by law in the officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

82. All prosecutions under this Act shall be instituted on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an officer appointed for the purpose by the Local Government, before a Magistrate of Police, or before a Magistrate, according as they shall be instituted for offences committed within or for

offences committed beyond the limits of the towns of Calcutta, Madras and Bombay.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the said towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

#### XIV.—MISCELLANEOUS.

83. The probable length of the voyages to the places mentioned in section twenty-three, from Calcutta, Madras or Bombay respectively, shall, for the purposes of this Act, and in the case of sailing vessels, be deemed to be as follows:—

##### FROM CALCUTTA:—

To Mauritius, Seychelles and Réunion	...	Between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix, Martinique, Guadeloupe and its dependencies	...	Twenty weeks.
To French Guiana	...	Twenty-six weeks.
To Natal	...	Twelve weeks.

##### FROM MADRAS:—

To Mauritius, Seychelles and Réunion	...	Between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana	...	Nineteen weeks.
To Natal	...	Ten weeks.

##### FROM BOMBAY:—

To Mauritius, Seychelles and Réunion	...	Between the months of April and September inclusive, five weeks; and between the months of October and March inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, St. Croix, Martinique, Guadeloupe and its dependencies, and French Guiana	...	Nineteen weeks.
To Natal	...	Ten weeks.

In the case of vessels propelled either wholly or in part by steam the Local Government may, by

notification in the *Official Gazette*, fix, for the purposes of this Act, the probable length of the voyages aforesaid.

84. Every notification under section twenty-four shall state the probable length of the voyages from Calcutta, Madras and Bombay, respectively, to every place to which emigration is thereby authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

85. The Local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the District.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate."

86. Nothing in this Act or in any rule to be made by the Governor under it not to apply to certain vessels. section sixty-one shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

#### THE FIRST SCHEDULE.

(See section 2.)

Number and year.	Title.
XLVI of 1860..	To authorize and regulate the Emigration of Native Labourers to the French Colonies.
VII of 1862 ...	To amend Act XLVI of 1860 (to authorize and regulate the Emigration of Native Labourers to the French Colonies)
XIII of 1864 ...	To consolidate and amend the laws relating to the Emigration of Native Labourers.
VI of 1869 ...	To amend the law relating to the Emigration of Native Labourers.
VI of 1870 ...	To enable the Governor General in Council to increase the fee payable under section thirty-one of the Emigration Act.

#### THE SECOND SCHEDULE.

(See section 19.)

Office of the Protector of Emigrants at the Port of A B is hereby licensed under the Indian Emigration Act, 1871, to be a Recruiter for engaging persons to proceed to for the purpose of labouring for hire.

This license will be in force for one year only from this date.

Dated the day of

(Signed) C. D.,  
Protector of Emigrants.

#### THE THIRD SCHEDULE.

(See sections 66, 67 and 68.)

Convention between Her Majesty and the Emperor of the French relative to the Emigration of Labourers from India to the French Colonies, with an additional article thereto annexed.

Signed at Paris, July 1861.

[Ratifications exchanged at Paris, July 30th, 1861.]

His Majesty the Emperor of the French having made known, by a declaration dated this day (1st July 1861) his resolution to put an end to the recruitment upon the coast of Africa of negro labourers by means of redemption; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland desiring, in consequence, to facilitate the immigration of free labourers into the French Colonies, their said Majesties have resolved to conclude a Convention destined to regulate the recruitment of such labourers in the British territories in India. For this purpose they have named as their Plenipotentiaries:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Most Honourable Henry Richard Charles Earl Cowley, Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Emperor of the French;

And His Majesty the Emperor of the French, M. Edouard Antoine Thouvenel, Senator, His Minister and Secretary of State for the Department of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in due form, have agreed upon the following Articles:—

#### ARTICLE I.

The French Government shall be at liberty to recruit and engage labourers for the French Colonies in the Indian Territories belonging to Great Britain, and embark Emigrants, being subjects of Her Britannic Majesty, either in British or French Ports in India, under the conditions hereinafter stipulated.

#### ARTICLE II.

The French Government shall entrust the direction of its operations in every centre of recruitment to an Agent chosen by itself.

Those Agents must be approved by the British Government.

Such approval is assimilated, with regard to the right of granting and withdrawal, to the Exequatur given to Consular Agents.

#### ARTICLE III.

This recruitment shall be effected conformably to the regulations which now exist, or may hereafter be established, for the recruitment of labourers for British Colonies.

#### ARTICLE IV.

The French Agent shall, with regard to the operations of recruitment which are intrusted to him, enjoy for himself and for the persons whom he may employ, all the facilities and advantages afforded to the Recruiting Agents for British Colonies.

#### ARTICLE V.

The Government of Her Britannic Majesty shall appoint in those British Ports where Emigrants may be embarked, an Agent who shall be specially charged with the care of their interests.

In French Ports the same duty with regard to Indian subjects of Her Britannic Majesty shall be confided to the British Consular Agent.

Under the term "Consular Agents" are comprised Consuls, Vice-Consuls, and all other Commissioned Consular Officers.

#### ARTICLE VI.

No Emigrant shall be embarked unless the Agent described in the preceding Article shall have been enabled to satisfy himself, either that the Emigrant is not a British subject or, if a British subject, that his engagement is voluntary, that he has a perfect knowledge of the nature of his contract, of the place of his destination, of the probable length of his voyage, and of the different advantages connected with his engagement.

#### ARTICLE VII.

The contracts of service, with the exception provided for by section 4 of Article IX, and by section 2 of Article X, shall be made in India, and shall either bind the Emigrant to serve a person designated by name, or to serve a person to whom he shall be allotted by the proper authority on his arrival in the Colony.

#### ARTICLE VIII.

The contracts shall, moreover, make stipulation for:—  
1. The duration of the engagement, at the expiration of which the Emigrant shall receive a return-passage to India



at the expense of the French Government, and the terms on which it will be competent to him to abandon or renounce his right to a free return-passage.

2. The number of days and hours of work.

3. The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the Emigrant.

4. Gratuitous medical treatment for the Emigrant except in cases where, in the opinion of the proper Government officer, his illness shall have arisen from his own misconduct.

In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the present Convention.

#### ARTICLE IX.

1. The duration of the Immigrant's engagement shall not be more than five years. In case, however, he shall be duly proved to have absented himself from work, he shall be bound to serve a number of days equal to the time of his absence.

2. At the expiration of that period, every Indian who shall have attained the age of ten years at the time of his departure from India, shall be entitled to a return-passage at the expense of the French Government.

3. If he can show that his conduct has been regular, and that he has the means of subsistence, he may be allowed to reside in the Colony without any engagement; but from that time he will lose his right to a free return-passage.

4. If he consents to contract a new engagement, he will be entitled to a bounty, and will retain his right to a return-passage at the expiration of this second engagement.

The right of the Immigrant to a return-passage extends to his wife, and to his children who quitted India under the age of ten years, as well as to those born in the Colonies.

#### ARTICLE X.

The Immigrant shall not be bound to work more than six days in seven nor more than nine hours and a half a day.

The conditions of task-work and every other kind of regulation for work, shall be freely arranged with the labourer. The obligation to provide, on holidays, for the care of animals and the necessities of daily life, shall not be considered as work.

#### ARTICLE XI.

In British Ports, the arrangements which precede the departure of the Emigrants shall be conformable to those prescribed by the regulations for the British Colonies.

In French Ports, the Emigration Agent or his deputies shall, on the departure of every Emigrant ship, deliver to the British Consular Agent a nominal list of the Emigrants who are subjects of Her Britannic Majesty, with a description of their persons, and shall also communicate to him the contracts of which he may require copies.

In such case, only one copy shall be given of all contracts of which the provisions are identical.

#### ARTICLE XII.

In the Ports of embarkation, the Emigrants who are subjects of Her Britannic Majesty shall be at liberty, conforming to the regulations of Police relative to such establishments, to leave the depôts, or other place in which they may be lodged, in order to communicate with the British Agents, who, on their part, may at any reasonable hour visit the places in which the Emigrants, subjects of Her Britannic Majesty, are collected or lodged.

#### ARTICLE XIII.

Emigrants may leave India for the Colonies to the East of the Cape of Good Hope at all times of the year.

For other Colonies they may leave only from the first of August to the fifteenth of March. This arrangement applies only to sailing vessels; vessels using steam-power may leave at any time of the year.

Every Emigrant sailing from India for the Antilles between the first of March and the fifteenth of September, shall receive at least one double blanket over and above the clothing usually allowed to him, and may make use of it so long as the vessel is outside of the Tropics.

#### ARTICLE XIV.

Every Emigrant vessel must carry an European Surgeon and an Interpreter.

The Captains of Emigrant vessels shall be bound to take charge of any despatch which may be delivered to them by

the British Agent at the Port of embarkation for the British Consular Agent at the Port of destination and to deliver it to the Colonial Government immediately after his arrival.

#### ARTICLE XV.

In every vessel employed for the conveyance of Emigrants subjects of Her Britannic Majesty, the Emigrants shall occupy, either between decks, cabins on the upper deck or in firmly secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

No compartment shall take more than one adult Emigrant for every cubic space of seventy-two feet in the Presidency of Bengal and at Chandernagore, and for every cubic space of sixty feet in other French Ports, and in the Presidencies of Bombay and Madras.

An Emigrant above the age of ten years shall count as an adult, and two children from one to ten years of age shall count as one adult.

A place shall be fitted up for a hospital in every Emigrant ship.

Women and children shall occupy compartments of the vessel distinct and separate from those of the men.

#### ARTICLE XVI.

Each shipment of Emigrants shall include a proportion of women equal to at least one-fourth of the number of men. After the expiration of three years, the numerical proportion of women shall be raised to one-third; after two years more, it shall be raised to one-half; and after a further period of two years, the proportion shall be the same as may be fixed for the British Colonies.

#### ARTICLE XVII.

The British Agents at the embarkation shall have, at all reasonable times, the right of access to every part of the ship which is appropriated to the use of Emigrants.

#### ARTICLE XVIII.

The Governors of the French establishments in India shall make such administrative regulations as may be necessary to ensure the complete execution of the preceding stipulations.

#### ARTICLE XIX.

On the arrival of an Emigrant ship in any French Colony, the Government shall cause to be transmitted to the British Consular Agent any despatches which it may have received for him, together with—

1. A nominal list of all labourers disembarked who are subjects of Her Britannic Majesty.

2. A list of the deaths or births which may have taken place during the voyage.

The Colonial Government shall take the necessary measures to enable the British Consular Agent to communicate with the Emigrants before their distribution in the Colony.

A copy of the "List of distribution" shall be delivered to the Consular Agent.

He shall be informed of all deaths and births which may occur during the period of engagement, as well as of all changes of employer, and of all departures on a return-passage.

Every fresh engagement, or act of renunciation of the right to a free return-passage, shall be communicated to the Consular Agent.

#### ARTICLE XX.

All Immigrants, being subjects of Her Britannic Majesty, shall, in the same manner as other subjects of the British Crown, and conformably to the ordinary rules of international law, enjoy, in the French Colonies, the right of claiming the assistance of the British Consular Agents; and no obstacle shall be opposed to the labourer's resorting to the Consular Agent and communicating with him; without prejudice, however, to the obligations arising out of his engagement.

#### ARTICLE XXI.

In the distribution of labourers no husband shall be separated from his wife, nor any father or mother from their children under fifteen years of age. No labourer shall be required to change his employer without his own consent, unless he be transferred to the Government, or to the person who has acquired the property on which he is employed.

Immigrants who may become permanently incapable of work, either by sickness or by any other cause beyond their

own control, shall be sent back at the expense of the French Government, whatever time may still be wanting to entitle them to a free return-passage.

#### ARTICLE XXII.

All operations of immigration may be carried on in the French Colonies by French or British vessels without distinction.

British vessels which may engage in those operations shall be bound to conform to all the measures of Police, health, and equipment which may apply to French vessels.

#### ARTICLE XXIII.

The labour-regulations of Martinique shall serve as the basis for all the regulations of the French Colonies into which Indian Emigrants, subjects of Her Britannic Majesty, may be introduced.

The French Government engages not to introduce into those regulations any modification, the result of which would be to place the said Indian subjects in an exceptional position, or to impose upon them conditions of labour more stringent than those prescribed by the said regulations.

#### ARTICLE XXIV.

The present Convention applies to emigration to the Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana.

It may hereafter be applied to immigration to other Colonies in which British Consular Agents shall be established.

#### ARTICLE XXV.

The provisions of the present Convention relative to the Indian subjects of Her Britannic Majesty shall apply to the Natives of every Indian State which is under the protection or political control of Her said Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

#### ARTICLE XXVI.

The present Convention shall begin to take effect on the first of September 1861, and shall continue in full force for three years and a half. It shall remain in full force, if notice for its termination be not given in the course of the month of September of the third year, and then notice can be given only in the course of the month of September of each succeeding year.

In case of notice being given for its termination, it shall cease eighteen months afterwards.

Nevertheless the Governor General of British India in Council shall, in conformity with the Act of the 19th of September 1856, relative to immigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the emigrants immediately upon their arrival or during their residence therein, or for their safe return to India, or to

provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention, if they should think proper to do so.

But in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return-passage to India.

#### ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st day of July, in the year of our Lord one thousand eight hundred and sixty-one.

(L. S.) COWLEY.

(L. S.) THOUVENEL.

#### ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Réunion, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by a Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorized the Colony of Réunion to recruit six thousand labourers in her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith, with regard to the said Colony of Réunion.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 1st of July 1861.

(L. S.) COWLEY.

(L. S.) THOUVENEL.

WHITLEY STOKES,

Secy. to the Govt. of India.



The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th March 1871, and is hereby promulgated for general information :—

ACT No. VIII of 1871.

## THE INDIAN REGISTRATION ACT, 1871.

### ARRANGEMENT OF SECTIONS.

#### PART I.

##### PRELIMINARY.

##### PREAMBLE.

##### SECTIONS.

1. Short title.
- Local extent.
- Commencement.
2. Repeal of enactments.
3. Interpretation-clause.

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##### OF THE REGISTRATION ESTABLISHMENT.

4. Inspector General of Registration.
- Branch Inspector General of Sindh.
5. Districts and Sub-Districts.
6. Registrars and Sub-Registrars.
7. Offices of Registrars and Sub-Registrars.
8. Inspectors of Registration Offices.
9. Military Cantonments may be declared Sub-Districts or Districts.
10. Absence of a Registrar from his District or vacancy in his office.
11. Absence of Registrar on duty in his District.
12. Absence of Sub-Registrar or vacancy in his office.
- Appointments under section 10, 11, or 12 to be reported to Local Government.
13. Suspension, removal and dismissal of Registering Officers.
14. Remuneration and establishments of Registering Officers.
15. Seals of Registering Officers.
16. Register Books.
- Forms.
- Fire-proof boxes.

#### PART III.

##### OF REGISTRABLE DOCUMENTS.

17. Documents of which the registration is compulsory.
- Exception of composition-deeds.
- And of transfers of shares and debentures in Land Companies.
18. Documents of which the registration is optional.
19. Documents in language not understood by Registering Officer.
20. Documents containing interlineations, blanks, erasures or alterations.
21. Description of parcels.
- Documents containing maps or plans.
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#### PART IV.

##### OF THE TIME OF PRESENTATION.

23. Time for presenting documents of which the registration is compulsory.
24. Provision where delay in presentation is unavoidable.
25. Documents executed out of British India.
26. Provision where office is closed on last day of period for presentation.
27. Wills may be presented or deposited at any time.

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##### OF THE PLACE OF REGISTRATION.

28. Place for registering documents relating to-immovables.
29. Place for registering other documents.
30. Registration by Registrar.
- Registration by Registrar at Presidency Town.
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## PART VI.

## OF PRESENTING DOCUMENTS FOR REGISTRATION.

## SECTIONS.

- 32. Persons to present documents for registration.
- 33. Powers of attorney recognizable for purposes of section thirty-two.  
Proviso as to persons infirm, or in jail, or exempt from appearing in Court.
- 34. Enquiry before registration by the Registering Officer.
- 35. Procedure on admission of execution.  
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## OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

- 36. Procedure where appearance of executant or witness is desired.
- 37. Officer or Court to issue and cause service of summons.
- 38. Persons exempt from appearance at Registry Office.
- 39. Law as to summonses, commissions and witnesses in this Act.

## PART VIII.

## OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

- 40. Persons entitled to present Wills and Authorities to adopt.
- 41. Registration of Wills and Authorities to adopt.

## PART IX.

## OF THE DEPOSIT OF WILLS.

- 42. Deposit of Wills.
- 43. Procedure on deposit of Wills.
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- 51. Register books to be kept in the several Offices.
- 52. Endorsements on document presented.  
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- 53. Entries to be numbered consecutively.
- 54. Current Indexes and entries therein.
- 55. Indexes to be made by Registering Officers.  
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- 56. Copy of entries in Indexes Nos. I and II to be sent by Sub-Registrar to Registrar.  
Such copy to be filed in Registrar's Office.
- 57. Registering Officers to allow inspection of certain Books and Indexes, and to give  
certified copies of entries.

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- 58. Particulars to be endorsed on documents admitted to registration.
- 59. Such endorsements to be dated and signed by Registering Officer.
- 60. Certificate showing that document has been registered, and number and page of book  
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- 62. Procedure on presentation of a document in a language unknown to the Registering  
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- 63. Power to administer oaths.  
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*(C.) Special Duties of Sub-Registrar.*

## SECTIONS.

- 64. Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Sub-Districts.
- 65. Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Districts.

*(D.) Special Duties of Registrar.*

- 66. Procedure on registering instruments relating to immoveables.
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- 68. Registrar to superintend and control Sub-Registrars.
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- 71. Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.
- 72. Registrar may alter or revise orders of Sub-Registrar refusing registration.
- 73. Procedure where Registrar refuses to register or direct registration of documents falling under section 17 or section 18, clauses 1, 2, 3 and 4.
- 74. Petition.  
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- 75. Court to fix day for hearing petition and copy thereof to be served.
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- 77. Fees to be fixed by Local Government.  
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- 79. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.
- 80. Penalty for certain other offences.  
Making false statements before Registering Officer.  
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False personation.  
Abetment of offences under this Act.
- 81. Registering Officer may institute prosecutions.
- 82. Registering Officers to be deemed Public Servants.

## PART XV.

## MISCELLANEOUS.

- 83. Destruction of unclaimed documents.
  - 84. Registering Officer not to be liable for anything *bona fide* done or refused in his official capacity.
  - 85. Nothing done by Registering Officer to be invalidated by defect in his appointment or procedure.
  - 86. Registration of documents executed by Government Officers or certain public functionaries.
  - 87. Exemption of certain documents executed by or in favour of Government.
  - 88. Inspection and copies of such documents.
  - 89. Recognition, in Oudh and Burmah, for three months of powers of attorney not executed according to section 33.
  - 90. Burmese registration rules confirmed.
- FIRST SCHEDULE. Enactments repealed.
- SECOND SCHEDULE. Form of Petition under section 73.  
Form of verification.

## AN ACT FOR THE REGISTRATION OF DOCUMENTS.

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of documents; It is hereby enacted as follows:—

## PART I.

## PRELIMINARY.

1. This Act may be called  
 Short title. "The Indian Registration Act, 1871."

It extends to the whole of British India, except such districts or tracts of country as the Local Government may from time to time, with the previous sanction of the Governor General in Council, exclude from its operation.

Local extent. And it shall come into force on the first day of July 1871.

2. On and from that day the enactments mentioned or referred to in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

But all appointments, notifications, rules and orders made, and all offices established, under any of the said enactments shall be deemed to have been, respectively, made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of July 1871, to any enactment hereby repealed, shall be read as if made to the corresponding section of this Act.

And so far as regards suits instituted before the first day of April 1873, nothing herein contained affects Act No. XIV of 1859, section one, clause ten, as amended by Act No. XX of 1866, section twenty-seven.

And nothing herein contained affects Act No. XX of 1866, so far as relates to the procedure upon any agreement recorded under section fifty-two of that Act at any time before that day, or the procedure provided by that Act for the registration and deposit of authorities to adopt executed before the first day of January 1872.

3. In this Act, unless there be something repugnant in the subject or context—

Interpretation clause. "Lease" includes a counterpart, a kabūliyāt, an undertaking to cultivate or occupy, and an agreement to lease:

"Signature" and "signed" include and apply to the affixing of a mark:

"Immoveable Property" includes land, buildings, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

"Moveable Property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property:

"Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book:

"Endorsement" and "endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration under this Act:

"Minor" means a person who, according to the personal law to which he is subject, has not attained majority:

"Representative" includes the guardian of a minor and the Committee or other legal curator of a lunatic or idiot:

"Addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:

"District Court" includes the High Court in its ordinary original civil jurisdiction:

"District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

## PART II.

## OF THE REGISTRATION ESTABLISHMENT.

4. The Local Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government,

or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers and within such local limits as the Local Government from time to time appoints in this behalf.

The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of the Inspector General under this Act other than the power to frame rules hereinafter conferred.

Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

5. For the purposes of this Act, the Local Government shall form Districts and Sub-Districts, and shall prescribe and may from time to time alter the limits of such Districts and Sub-Districts.

The Districts and Sub-Districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.



6. The Local Government may appoint such Registrars and Sub-Registrars, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid, respectively.

7. The Local Government shall establish in every District an office to be styled the Office of the Registrar and in every Sub-District an office to be styled the Office of the Sub-Registrar, and may amalgamate with any Office of a Registrar any Office of a Sub-Registrar.

8. The Local Government may also appoint officers to be called Inspectors of Registration Offices, and may from time to time prescribe the duties of such officers. Every such Inspector shall be subordinate to the Inspector General.

9. Every Military Cantonment where there is a Cantonment Magistrate may (if the Local Government so directs) be, for the purposes of this Act, a Sub-District or a District, and such Magistrate shall be the Sub-Registrar or the Registrar, of such Sub-District or District, as the case may be.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-District or a District for the purposes of this Act, he shall also declare, in the case of a Sub-District, what authorities shall be Registrar of the District and Inspector General, and in the case of a District, what authority shall be Inspector General, with reference to such Cantonment and the Sub-Registrar or Registrar thereof.

10. Whenever any Registrar other than the Registrar of a District including a Presidency Town, is absent otherwise than on duty in his District, or when his office is temporarily vacant,

any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's Office is situate,

shall be the Registrar during such absence or until the Local Government fills up the vacancy.

Whenever the Registrar of a District including a Presidency Town, is absent otherwise than on duty in his District, or when his office is temporarily vacant,

any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

11. Whenever any Registrar is absent from his office on duty in his District, he may appoint any Sub-Registrar or other person in his District to perform, during such absence, all the duties of a Registrar, except those mentioned in sections sixty-eight and seventy-two.

12. Whenever any Sub-Registrar is absent, or when his office is temporarily vacant,

any person whom the Registrar of the District appoints in this behalf shall

be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

13. All appointments made under section ten, section eleven, or section twelve shall be reported to the Local Government by the Inspector General. Such report shall be either special or general, as the Local Government directs.

The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

14. Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the Registering Officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

The Local Government may allow proper establishments for the several Offices under this Act.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of the Registrar (or of the Sub-Registrar) of

16. The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act.

The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such District.

### PART III.

#### OF REGISTRABLE DOCUMENTS.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or comes into force (that is to say),—

(1) Instruments of gift of immoveable property:

(2) Other instruments (not being wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property:

(3) Instruments (not being wills) which acknowledge the receipt or payment of any consi-

duration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent.

Provided that the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any District, or part of a District, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

Nothing in clauses (2) and (3) of this section applies

Exception of composition-deeds:

(a) to any composition-deed,

(b) to any instrument relating to shares in a Joint Stock Company, notwithstanding that the and of transfers of assets of such Company consist in whole or in part of Land Companies. immoveable property, or

(c) to any endorsement upon or transfer of any debenture issued by any such Company.

Authorities to adopt a son, executed after the first day of January 1872 and not conferred by a will, shall also be registered.

18. Any of the documents next hereinafter

Documents of which the registration is optional.

mentioned may be registered under this Act (that is to say),—

(1) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees to or in immoveable property;

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(3) Leases of immoveable property for any term not exceeding one year, and leases exempted under section seventeen;

(4) Awards relating to immoveable property;

(5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title, or interest to or in moveable property;

(6) Wills;

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, certified copies of decrees and orders of Courts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

19. If any document duly presented for registration be in a language which

Documents in language not understood by Registering Officer.

the Registering Officer does not understand, and which is not commonly used in the

District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

20. The Registering Officer may in his discre-

tion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

21. (a.) No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b.) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(c.) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Districts, by such number of true copies of the map or plan as are equal to the number of such Districts.

22. Failure to comply with the provisions contained in section twenty-one clause (b) shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

#### PART IV.

##### OF THE TIME OF PRESENTATION.

23. Subject to the provisions contained in sections twenty-four, twenty-five and twenty-six, no document required by section seventeen to be registered, and no document mentioned in section eighteen, other than a will, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution; or, in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final;

Provided that, where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

24. If owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine



not exceeding ten times the amount of the proper registration fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

25. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registering Officer, if satisfied,

(1) that the instrument was so executed, and  
(2) that it has been presented for registration within four months after its arrival in British India, may, on payment of the proper registration fee, accept such document for registration.

26. Whenever a registration-office is closed on the last day of any period hereinbefore provided for the presentation of any document, such last day shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

#### PART V.

##### OF THE PLACE OF REGISTRATION.

28. Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses (1), (2), (3) and (4), and section eighteen, clauses (1), (2), (3) and (4), shall be presented for registration in the office of a Sub-Registrar within whose Sub-District the whole or some portion of the property to which such document relates is situate.

29. Every document, other than a document referred to in section twenty-eight and a copy of a decree or order, may be presented for registration, either in the office of the Sub-Registrar in whose Sub-District the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose Sub-District the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree desire the copy to be registered.

30. (a.) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him,

(b.) The Registrar of a District including a Presidency Town may receive and register any document referred to in section twenty-eight without regard to the situation in any part of British India of the property to which the document relates.

31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer whose duty it is to register the same.

But such officer may on special cause being shown attend at the residence of any person intending to register any document which would ordinarily be registered at such office, or of any person desiring to deposit a will, and register or accept for registration or deposit such document or will.

#### PART VI.

##### OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Except in the case mentioned in section thirty-one, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office,

by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order,

or by the representative or assign of such person, or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

33. For the purposes of section thirty-two, the powers of attorney next hereinafter mentioned shall alone be recognized (that is to say),—

(a) if the principal at the time of executing the power of attorney resides in any part of British India, in which this Act is for the time being in force a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides:

(b) if the principal at the time aforesaid resides in any other part of British India, a power of attorney executed before and authenticated by any Magistrate:

(c) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India:

Provided that the following persons shall not be required to attend at any registration-office or court for the purpose of executing any such power of attorney as is mentioned in clauses (a) and (b) of this section:—

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

persons who are in jail under civil or criminal process; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or court hereinbefore mentioned in that behalf.

**34.** Subject to the provisions contained in this Part and in sections forty-one, forty-three, forty-five, sixty-nine, seventy-six and eighty-six, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation:

Provided that if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases when the delay in appearing does not exceed four months may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, the document may be registered.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed,

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

**35.** If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution;

or, if the person executing the document is dead, and his representative or assign appears before the registering officer, and admits the execution,

the registering officer shall register the document as directed in sections fifty-eight to sixty-one inclusive.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

If all or any of the persons by whom the document purports to be executed deny its execution,

or if any such person appears to be a minor, an idiot, or a lunatic,

or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document.

Nothing in section thirty-four, or the former part of this section, applies to copies of decrees or orders.

## PART VII.

### OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

**36.** If any person presenting any document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or court as the Local Government from time to time directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent, as in the summons may be mentioned and at a time named therein.

**37.** The Officer or Court, upon receipt of the Officer or Court to issue and cause service of summons. person's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

**38.** A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office,

a person in jail under civil or criminal process, and persons exempt by law from personal appearance in court, and who would but for the provision next hereinafter contained be required to appear in person at the registration office, shall not be required so to appear.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

**39.** The law in force for the time being as to summonses, commissions and witnesses, and compelling the attendance of witnesses, and for their remuneration in suits before civil courts shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission, issued, and any person summoned to appear under the provisions of this Act.

## PART VIII.

### OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

**40.** The testator or any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration,

and the donor or donee of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

**41.** A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any other person entitled to present it, shall be registered if the Registering Officer is satisfied,

(1) that the will or authority was executed by the testator or donor, as the case may be,

(2) that the testator or donor is dead, and

(3) that the person presenting the will or authority is, under section forty, entitled to present the same.



## PART IX.

## OF THE DEPOSIT OF WILLS.

**42.** Any testator may either personally or by duly authorized agent deposit with any Registrar the will in a sealed cover superscribed with the name of the depositor and the nature of the document.

**43.** On receiving such sealed cover, the Registrar, if satisfied that the depositor is the testator, or his duly authorized agent, shall transcribe in his Register Book No. 5 the superscription on such sealed cover, and note in the register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover.

The Registrar shall then place and retain the sealed cover in his fire-proof box.

**44.** If the depositor of any such sealed cover wishes to withdraw it, he may apply to the Registrar with whom it has been so deposited for the delivery of the cover; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

**45.** If, on the death of the depositor of a sealed cover under section forty-two, application be made to the Registrar with whom it has been deposited to open the same, the Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy, at the applicant's expense, the contents thereof in his Book No. 3.

When such copy has been made, the Registrar shall re-deposit the original will.

**46.** Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, section two hundred and fifty-nine, or the power of any court by order to compel the production of any will. But whenever any such order is made, the Registrar shall copy the will in his Book No. 3 and make a note on such copy that the original has been removed into court in pursuance of the order aforesaid.

## PART X.

## OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

**47.** A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

**48.** All documents, not testamentary, duly registered under this Act, and relating to any property whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

Effect of non-regis-  
tration of documents re-  
quired to be registered.

**49.** No document required by section seventeen to be registered,

shall affect any immoveable property comprised therein,

or confer any power to adopt

or be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered in accordance with the provisions of this Act.

**50.** Every document of the kinds mentioned in clauses (1) and (2) of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

*Explanation.*—In cases where Act No. XVI of 1864 or Act No. XX of 1866 was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July 1871, not registered under this Act.

## PART XI.

## OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A.) As to the Register Books and Indexes.

**51.** The following Books shall be kept in the Register Books to be several offices hereinafter kept in the several offices named (that is to say),—

◆ In all Registration Offices—

Book 1, "Register of documents relating to immoveable property;"

Book 2, "Record of reasons for refusal to register;"

Book 3, "Register of wills and authorities to adopt;" and

Book 4, "Miscellaneous Register."

In the Offices of Registrars—

Book 5, "Register of deposits of wills."

In Book 1 shall be entered or filed all documents or memoranda registered under the first four clauses of sections seventeen and eighteen and all other documents mentioned in section eighteen, clause (7), which relate to immoveable property.

In Book 4 shall be entered all documents registered under clauses (5) and (7) of section eighteen, and not entered in Book 1.

Nothing in the former part of this section shall be deemed to require more than one set of books where the Office of a Registrar has been amalgamated with the Office of a Sub-Registrar.

**52.** The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section sixty-two, every document admitted to registration shall without un-

Endorsements on document presented.

Receipt for document.

Documents admitted to registration to be copied.

Document admitted to registration shall without un-

necessary delay be copied in the Book appropriated therefor according to the order of its admission.

And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

**53.** All entries in each Book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

**54.** In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

**55.** Two such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I. and Index No. II.

Index No. I. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into or memorandum filed in Book No. 1 or Book No. 3.

Index No. II. shall contain such particulars mentioned in section twenty-one, relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

A third index to be called Index No. III. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 4.

Indexes Nos. I., II. and III. shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

**56.** Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I. and II.

Every Registrar receiving such copy shall file it in his office.

**57.** Subject to the previous payment of the fee payable in that behalf, the Books Nos. 1 and 2 and the indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section sixty-two, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Books Nos. 3 and 4 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the registering officer.

Such copies shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

(K.) As to the procedure on admitting to registration.

**58.** On every document admitted to registration, other than a copy of a decree or order, there shall be endorsed from time to time the following particulars (that is to say),—

(1) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent.

(2) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(3) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

**59.** The registering officer shall affix the date and his signature to all endorsements made under the last preceding section, relating to the same document and made in his presence on the same day.

**60.** After such of the provisions of sections thirty-four, thirty-five, fifty-eight, and fifty-nine as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied.

Such certificate shall be signed, sealed and dated by the registering officer and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section fifty-nine have occurred as therein mentioned.

**61.** The endorsements and certificate referred to and mentioned in sections fifty-nine and sixty shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-two.

**62.** When a document is presented for registration under section nineteen, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the registration office.

The endorsements and certificate respectively mentioned in sections fifty-nine and sixty shall be made on the original, and for the purpose of making the copies and memoranda required by



sections fifty-seven, sixty-four, sixty-five and sixty-six, the translation shall be treated as if it were the original.

63. Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C.)—*Special duties of Sub-Registrar.*

64. Every Sub-Registrar on registering a document relating to immovable property not wholly situate in his own Sub-District, shall make a memorandum thereof and of the endorsement and certificate thereon, and send

the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

65. Every Sub-Registrar on registering a document relating to immovable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with a copy of the map or plan (if any) mentioned in section twenty-one, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate.

The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D.)—*Special duties of Registrar.*

66. On registering any document not testamentary relating to immovable property the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose Sub-District any part of the property is situate.

He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section twenty-one, to every other Registrar in whose District any part of such property is situate.

Such Registrar, on receiving any such copy, shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose Sub-District any part of the property is situate.

Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. On any document being registered under section thirty, clause (b), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section sixty-six.

(E.)—*Of the controlling powers of Registrars and Inspectors General.*

68. Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose District the office of such Sub-Registrar is situate.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the office in which any document shall have been registered.

69. The Inspector General shall exercise a general superintendence over all the registration offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act—

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring what languages shall be deemed to be commonly used in each District;

declaring what territorial divisions shall be recognized under section twenty-one;

regulating the amount of fines imposed under section twenty-four;

regulating the exercise of the discretion reposed in the registering officer by section sixty-three;

regulating the form in which registering officers are to make memoranda of documents;

regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section fifty-one;

declaring the particulars to be contained in Indexes Nos. I, II and III, respectively;

declaring the holidays that shall be observed in the registration offices;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette, and shall then have the same force as if they were inserted in this Act.

70. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section twenty-four or section thirty-four and the amount of the proper registration fee.

## PART XII.

## OF REFUSAL TO REGISTER.

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

71. Every registering officer refusing to register a document,

except (1) where the property to which the document relates is not situate within his District or Sub-District, or (2) where the registering officer being a Registrar declines to accept the document on the ground that it ought to be registered in the office of a Sub-Registrar,

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. An appeal shall lie against an order of a

Registrar may alter or revise orders of Sub-Registrar refusing registration.

Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional)

to the Registrar to whom such Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order:

Any Registrar refusing to direct the registration of any document shall make an order of refusal and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

73. If a Registrar makes under section seventy-

Procedure where Registrar refuses to register or direct registration of documents falling under section seventeen or section eighteen, clauses 1, 2, 3 and 4.

one or section seventy-two an order of refusal to register or to direct the registration of any document,

or if he has made a like order under section eighty-two or section eighty-three of Act No. XX of 1866,

or if the Sub-Registrar has refused to register the document on the ground that the person, or one of the persons, by whom the document purports to have been executed has denied the execution,

or if the Registrar has himself as Sub-Registrar made an order of refusal under section seventy-one,

any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered.

74. The petition shall be in the form contained

Petition.

in the second Schedule hereto annexed or as near there-

to as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections seventy-one and seventy-two; the statements in the petition shall be verified by the petitioner

To be verified.

in manner required by law for the verification of plaints;

and the petition may be amended by permission of the court.

75. The court shall fix a day for the hearing of

Court to fix day for hearing petition, and copy thereof to be served.

the petition not less than two days after the service next

hereinafter mentioned, and

shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the registering officer and on such other persons (if any) as the court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this section.

76. The court may summon and enforce the

Court may order document to be registered.

attendance of witnesses and compel them to give evidence,

and on the day so fixed as aforesaid or on any day to which the hearing of the petition may be adjourned, shall enquire—

(a.) whether the document has been executed, and

(b.) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration.

If it finds that the document has been executed and that the said requirements have been complied with, the court shall order the document to be registered,

and if the document be duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections fifty-eight, fifty-nine and sixty.

Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

Provided that when the officer presiding over

Provision for case in which the Judge is the registering officer.

the District Court has himself as registering officer made any order complained of under this section,

the petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

The District Court or the High Court, as the case may be, may direct by whom the whole or any part of the costs of any proceedings before it under this Part shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure.

No appeal lies from any order made under this section.

## PART XIII.

## OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

77. Subject to the approval of the Governor

Fees to be fixed by Local Government.

General in Council, the Local Government shall prepare a table of fees payable—

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before, on or after registration;

And of extra or additional fees payable—

for every registration under section thirty:  
for the issue of commissions:  
for filing translations:  
for attending at private residences:  
and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

The Local Government may from time to time, subject to the like approval, alter such table.

A table of the fees so payable shall be published in the official *Gazette*, and a copy thereof in English and the Vernacular language of the District shall be exposed to public view in every registration office.

Fees payable on presentation

78. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

#### PART XIV.

##### PENALTIES.

79. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under the provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

80. Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both:—

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act,

(b) intentionally delivers to a registering officer in any proceeding under section nineteen or section twenty-one a false copy or translation of a document, or a false copy of a map or plan,

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act,

(d) abets within the meaning of the Indian Penal Code anything made punishable by this Act.

81. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be instituted by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, District or Sub-District, as the case may be, the offence has been committed.

Offences punishable under this Act shall be triable by any court or officer exercising powers not less than those of a Subordinate Magistrate of the first class:

Provided that in imposing penalties under this Act, no such Court or Officer shall exceed the limits of jurisdiction prescribed by the law for the time being in force as to such Court or Officer.

All fines imposed under this Act may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such Towns for the time being in force.

82. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And in section two hundred and twenty-eight of the same Code, the words "judicial proceeding" shall include any proceeding under this Act.

83. Documents (other than wills) remaining unclaimed in any registration office, for a period exceeding two years, may be destroyed.

#### PART XV.

##### MISCELLANEOUS.

84. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

85. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

86. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section fifty-eight.

But when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case



may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

*Exemptions from Act.*

87. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps:—

(a.) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(b.) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey.

(c.) Documents which, under any law for the time being in force, are filed periodically in any revenue office by patwāris or other officers charged with the preparation of village records.

(d.) Sanads, inām title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land.

But all such documents and maps shall, for the purposes of sections forty-eight and forty-nine, be deemed to have been and to be registered in accordance with the provisions of this Act.

88. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section eighty-seven, clauses (a), (b) and (c), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

89. From the first of July to the first of October 1871 in the territories respectively administered by the Chief Commissioners of Oudh and British Burma, a power of attorney not duly executed according to the provisions of section thirty-three shall, notwithstanding anything therein contained, be deemed to have been duly executed under the provisions of the same section, if the registering officer is satisfied that it has been executed in good faith, and if a power of attorney attested under the provisions of this Act cannot be obtained within the time during which the document sought to be registered can, under such provisions, be accepted for registration.

90. All rules relating to registration heretofore enforced in British Burma shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of any thing done under any of the said rules.

FIRST SCHEDULE.

(See Section 2.)

Number and year.	Title.	Extent of repeal.
XXII of 1864	An Act to make provision for the Administration of Military Cantonments.	Sections ten and forty-five.
XX of 1866	An Act to provide for the Registration of Assurances.	The whole.
XXVII of 1868	An Act to exempt certain Instruments from the Indian Registration Act, 1866.	The whole.
VII of 1870	The Court Fees Act	In Schedule I the number and words following: "3. Petition under the Indian Registration Act, section fifty-three."
	All Rules relating to the registration of documents and having the force of law in Oudh.	The whole.
	All Rules relating to the registration of documents and having the force of law in any part of British Burma.	The whole.

## SECOND SCHEDULE.

*Form of petition under section 73.*Stamp  
eight  
annas.To the Judge of the District Court [or To the  
Deputy Commissioner] of

The                      day of                      18                      .

The petition of A. B. of  
Sheweth—1. That by an instrument dated the                      day  
of                      and made between C. D. of the one  
part and your petitioner of the other part, certain  
lands were conveyed to your petitioner absolutely.2. That such instrument was executed by the  
said C. D. on the                      day of                      18                      .3. That the property to which such instrument  
relates is situate in the Sub-District of the Sub-  
Registrar of                      and in the District  
of                      .4. That on the                      day of                      your  
petitioner presented the said instrument for registra-  
tion under "The Indian Registration Act, 1871,"  
in the office of the said Sub-Registrar.5. That the said Sub-Registrar thereupon  
made an order of refusal, dated the                      day of  
18                      , to register the said instrument and  
gave your petitioner a copy, which is filed herewith,  
of the reasons for such order.6. That your petitioner on the                      day  
of                      appealed to the Registrar of  
against such order.7. That the said Registrar thereupon made an  
order of refusal, dated the                      day of                      to  
direct the registration of the said instrument and  
gave your petitioner a copy, which is filed here-  
with, of the reasons for such order.8. That the reasons referred to in paragraphs 5  
and 7 of this petition are, as your petitioner submits,  
insufficient.Your petitioner therefore prays that your  
Honour will order the said Sub-Registrar to regis-  
ter the said instrument.

A. B.

*Another Form.*Stamp  
eight  
annas.To the Judge of the District Court [ or To the  
Deputy Commissioner] of

The                      day of                      18                      .

The petition of A. B. of  
Sheweth—1. That by an instrument dated the                      day  
of                      and made between C. D. of the one  
part and your petitioner of the other part, certain  
lands were conveyed to your petitioner by way of  
mortgage to secure the sum of one thousand rupees.2. That such instrument was executed by the  
said C. D. on the                      day of                      18                      .3. That the property to which such instrument  
relates is situate in the Sub-District of the Sub-  
Registrar of                      and in the District  
of                      .4. That on the                      day of                      your peti-  
tioner presented the said instrument for registra-  
tion under the Indian Registration Act 1871 in  
the office of the said Sub-Registrar, and the said  
C. D. appeared personally before the said Sub-  
Registrar and falsely denied the execution of the  
said instrument.5. That the said Sub-Registrar thereupon made  
an order of refusal dated the                      day of  
18                      to register the said instrument and gave your  
petitioner a copy, which is filed herewith, of the  
reasons for such order.6. That your petitioner has complied with the  
requirements of the said Act so far as it has been  
possible for him to do so.Your petitioner therefore prays that your Honour  
will order the said Sub-Registrar to register the  
said instrument.

A. B.

*Form of Verification.*I, A. B., the petitioner named in the above peti-  
tion, do declare that what is stated therein is true  
to the best of my information and belief.

(Signed.) A. B.

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WHITLEY STOKES,  
Secy. to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th March 1871, and is hereby promulgated for general information :—

ACT No. IX OF 1871.

## THE INDIAN LIMITATION ACT, 1871.

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## AN ACT FOR THE LIMITATION OF SUITS AND FOR OTHER PURPOSES.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; And whereas it is also expedient to provide rules for acquiring ownership by possession; It is hereby enacted as follows:—

## PART I.

## PRELIMINARY.

1. This Act may be called 'The Indian Limitation Act, 1871.'

It extends to the whole of British India; but nothing contained in sections two and three or in Parts II and III applies—

(a) to suits instituted before the first day of April, 1873,

(b) to suits under the Indian Divorce Act,

(c) to suits under Madras Regulation VI of 1831.

This Act shall come into force on the first day of July 1871.

2. On and from that day the enactments mentioned in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

3. In this Act, unless there be something repugnant in the subject or context—

'minor' means a person who has not completed his age of eighteen years:

'plaintiff' includes also any person through whom a plaintiff claims:

'nuisance' means any thing done to the hurt or annoyance of another's immovable property and not amounting to a trespass:

'bill of exchange' includes also a hundí:

'trustee' does not include a benámídar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title:

'registered' means duly registered under the law for the registration of documents in force at the time and place of executing the document referred to in the context:

'foreign country' means any country other than British India;

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

## PART II.

## LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

4. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

*Explanation.*—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in

the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

*Illustrations.*

(a).—A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate court must dismiss the suit.

(b).—An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

5. a. If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens:

b. Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period;

6. When, by any law not mentioned in the schedule hereto annexed and now or hereafter to be in force in any part of British India, a period of limitation differing from that prescribed by this Act is specially prescribed for any suits, appeals or applications, nothing herein contained shall affect such law.

And nothing herein contained shall affect the periods of limitation prescribed for appeals from, or applications to review, any decree, order or judgment of a High Court in the exercise of its original jurisdiction.

*Legal Disability.*

7. If a person entitled to sue be, at the time the right to sue accrued, a minor, or insane, or an idiot,

he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from the time prescribed therefor in the third column of the same schedule.

Nothing in this section shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby the period within which the suit must be brought.

*Illustrations.*

(a). The right to sue for the hire of a boat accrues to A during his minority. He comes of age four years after the accrual of the right. He may institute his suit at any time within three years from the date of his coming of age.

(b). A, to whom a right to sue for a legacy has accrued during his minority, attains full age eleven years after such right accrued. A has, under the ordinary law, only one year remaining within which to sue. But under this section

an extension of two years will be allowed him, making in all a period of three years from the date of his majority, within which he may bring his suit.

(c). A right to sue for an hereditary office accrues to A, who at the time is insane. Six years after the accrual of the right A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(d). A right to sue as landlord to recover possession from a tenant accrues to A who is an idiot. A dies three years after the accrual of the right, his idiosyncrasy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

9. When once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

*Explanation.*—A purchaser in good faith for value from a trustee is not his representative within the meaning of this section.

11. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

12. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were domiciled in such country during the period prescribed by such rule.

### PART III.

#### COMPUTATION OF PERIOD OF LIMITATION.

13. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded.

In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper, an application to the High Court for the admission of a special appeal, and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against or sought to be reviewed, shall be excluded.

In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

14. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

15. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court which from defect of jurisdiction, or other cause of a like nature, is unable to try it.

*Explanation 1.*—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

*Explanation 2.*—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

16. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

17. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

18. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased capable of suing.

When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Nothing in the former part of this section applies to suits for the possession of land or of an hereditary office.

19. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, and where any document necessary to establish such right has been fraudulently concealed, the time limited for commencing a suit,

(a) against the person guilty of the fraud or accessory thereto, or,

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

20. a. No promise or acknowledgment in respect

Effect of acknowledgment in writing.

of a debt or legacy shall take the case out of the operation of this Act, unless such promise or acknowledgment is contained in some writing signed, before the expiration of the prescribed period, by the party to be charged therewith or by his agent generally or specially authorized in this behalf.

b. When such writing exists, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the promise or acknowledgment was signed.

c. When the writing containing the promise or acknowledgment is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

*Explanation 1.*—For the purposes of this section, promise or acknowledgment may be sufficient, though it omits to specify the exact amount of the debt or legacy, or avers that the time for payment or delivery has not yet come, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee;

but it must amount to an express undertaking to pay or deliver the debt or legacy or to an unqualified admission of the liability as subsisting.

*Explanation 2.*—Nothing in this section renders one of several partners or executors chargeable by reason only of a written promise or acknowledgment signed by another of them.

#### Illustrations.

Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter:

Z pays part of the debt and promises orally to pay the rest:

Z publishes an advertisement, requesting his creditors to bring in their claims for examination:

In none of these cases is the debt taken out of the operation of this Act.

21. When interest on a debt or legacy is, before

Effect of payment of interest as such.

the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent generally or specially authorized in this behalf,

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent generally or specially authorized in this behalf,

a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made:

Provided that, in the case of part-payment of principal, the debt has arisen from a contract in writing and the fact of the payment appears in

the handwriting of the person making the same, on the instrument, or in his own books, or in the books of the creditor.

22. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have commenced when he was so made a party:

Provided that, when a plaintiff dies, and the suit is continued by his representatives in interest, it shall, as regards them, be deemed to have commenced when it was instituted by the deceased plaintiff:

Provided also, that, when a defendant dies, and the suit is continued against his representatives in interest, it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

23. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Nothing in the former part of this section applies to suits for the breach of contracts for the payment of money by instalments, where, on default made in payment of one instalment, the whole becomes due.

#### Illustrations.

(a.)—A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

(b.)—A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

24. In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

#### Illustration.

A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

25. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues.

#### Illustration.

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

26. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.



*Illustrations.*

(a).—A Hindú makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(b).—A Hindú makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

**PART IV.****ACQUISITION OF OWNERSHIP BY POSSESSION.**

27. Where the access and use of light or air to and for any building has been peaceably enjoyed there-with, as an easement, and

Acquisition of right to easements.

as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement, shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

*Explanation.*—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

*Illustrations.*

(a).—A suit is brought in 1871 for obstructing a right of way. The defendant admits the obstruction but denies the right of way. The plaintiff proves that the right was

peaceably and openly enjoyed by him claiming title thereto as an easement and as of right, without interruption, from 1st January 1850 to 1st January 1870. The plaintiff is entitled to judgment.

(b).—In a like suit also brought in 1871 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1848 to 1868. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(c).—In a like suit the plaintiff shews that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

28. Provided that, when any land or water

Exclusion in favour of upon, over or from which any reversioner of servient easement (other than the access and use of light and air)

has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof,

the time of the enjoyment of such easement during the continuance of such interest or term, shall be excluded in the computation of the said last mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

*Illustration.*

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shews that during ten of these years C, a deceased Hindú widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

29. At the determination of the period hereby

Extinguishment of limited to any person for right to land or instituting a suit for possession of any land or hereditary office, his right to such land or office shall be extinguished.

## FIRST SCHEDULE.

(See section 2.)

Number and year.	Subject or title.	Extent of repeal.
21 Jac. I, cap. sixteen ...	An Act for limitation of actions and for avoiding of suits in law.	The whole Statute, so far as it applies to British India.
4 Ann. cap. sixteen ...	An Act for the amendment of the law and the better advancement of justice.	Sections seventeen, eighteen and nineteen, so far as they apply to British India.
33 Geo. III, cap. fifty-two ...	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	So much of section one hundred and sixty-two as relates to the limitation of civil suits in British India.
53 Geo. III, cap. one hundred and fifty-five.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company.	Section one hundred and twenty-four, so far as it applies to British India.
9 Geo. IV, cap. seventy-four ...	Administration of Criminal Justice	So much of section fifty-one as relates to civil suits.
6 & 7 Vic., cap. ninety-four ...	Foreign Jurisdiction Act ...	Section seven, so far as it applies to British India.
Act No. XIV of 1840 ...	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 9 Geo. IV, cap. 14.	From and including the words "Whereas by an Act" down to and including the words "Defendants against the Plaintiff."
Act No. XI of 1841 ...	Military Courts of Requests ...	The proviso in section nine.
Act No. XX of 1847 ...	Copyright Act ...	In section sixteen, the words 'actions, suits, bills.'
Act No. XII of 1855 ...	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such action shall be commenced within two years after the committing of the wrong."

## FIRST SCHEDULE—continued.

Number and year.	Subject or title.	Extent of repeal.
Act No. XIII of 1855 ...	Compensation for loss occasioned by death caused by actionable wrong.	In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person."
Act No. XXV of 1857 ...	Forfeiture for mutiny ...	Section nine.
Act No. VIII of 1859 ...	The Code of Civil Procedure ...	In section one hundred and nineteen, the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two hundred and thirty, the words "within one month from the date of the dispossession." The last twelve words of section two hundred and forty-six. In section two hundred and fifty-six, the words "At any time within thirty days from the date of the sale." In section two hundred and sixty-nine, the words "if made within one month from the date of such existence or obstruction or of such dispossession, as the case may be." In section three hundred and twenty-four, the second sentence. In section three hundred and twenty-seven, the words "within six months from the date of the award." In section three hundred and thirty-three, from and including the words "within the period" down to the end of the section. In section three hundred and forty-seven, the words "within thirty days from the date of the dismissal." In section three hundred and seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." So much of section three hundred and seventy-seven as has not been repealed.
Act No. XIV of 1859 ...	An Act to provide for the limitation of suits.	The whole Act, except so much of section fifteen as does not relate to the limitation of suits.
Act No. IX of 1860 ...	Workmen and employers ...	So much of section two as relates to the limitation of suits.



## FIRST SCHEDULE—concluded.

Number and year.	Subject or title.	Extent of repeal.
Act No. XXXI of 1860 ...	Arms Act ...	So much of section forty-nine as relates to the limitation of suits.
Act No. V of 1861 ...	Mofussil Police ...	So much of section forty-two as relates to the limitation of suits.
Act No. XXIII of 1861 ...	Civil Procedure Code Amendment ...	Section twelve.
Act No. XXV of 1861 ...	Criminal Procedure Code ...	Section four hundred and fifteen.
Act No. I of 1863 ...	Civil Courts in British Burma ...	Section twenty-four.
Act No. VI of 1863 ...	Consolidated Customs Act ...	So much of section two hundred and fourteen as relates to the limitation of suits.
Act No. XXIII of 1863 ...	Claims to Waste-lands ...	So much of section five as relates to the limitation of suits.
Act No. VII of 1865 ...	Government Forests Act ...	So much of section sixteen as relates to the limitation of suits.
Act No. XX of 1866 ...	Registration Act ...	Section fifty-one.
Act No. XIV of 1868 ...	Contagious Diseases Act ...	So much of section twenty-five as relates to the limitation of suits.
Act No. XX of 1869 ...	Volunteers ...	So much of section twenty-six as relates to the limitation of suits.
Act No. X of 1870 ...	Land Acquisition ...	So much of section fifty-eight as relates to the limitation of suits.
Act No. IV of 1871 ...	Coroners ...	In section forty-two, the words 'after the expiration of three months from such fact or failure, nor.'
Bombay Regulation V of 1827...	A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.	Chapter one.

## SECOND SCHEDULE.

(See section 4.)

## FIRST DIVISION: SUITS.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part I.—Thirty days.</i>	
1.—To contest an award of the Board of Revenue under Act No. XXIII of 1863 (to provide for the adjudication of claims to waste-lands).	Thirty days ...	When notice of the award is delivered to the plaintiff.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part II.—Ninety days.</i>	
2.—For doing, or for omitting to do, an act in pursuance of any enactment in force for the time being in British India.	Ninety days ...	When the act or omission took place.
	<i>Part III.—Six months.</i>	
3.—Under Act No. XIV of 1859 (to provide for the limitation of suits), section fifteen, to recover possession of immoveable property.	Six months ...	When the dispossession occurs.
4.—Under Act No. IX of 1860 (to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers), section one.	Ditto ...	When the wages, hire, or price of work claimed accrued due.
5.—Under Act No. V of 1866 (to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India).	Ditto ...	When the bill or promissory note becomes due and payable.
	<i>Part IV.—One year.</i>	
6.—Upon a Statute, Act, Regulation, or bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a domestic servant, artisan or labourer not provided for by this schedule, No. 4.	Ditto ...	When the wages sued for accrue due.
8.—For the price of food or drink sold by the keeper of an hotel, tavern or lodging house.	Ditto ...	When the food or drink is delivered.
9.—For the price of lodging ...	Ditto ...	When the lodging ends.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes actual possession under the sale sought to be impeached.
11.—For damages for infringing copy-right or any other exclusive privilege.	Ditto ...	The date of the infringement.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part IV.—One year,—continued.</i>		
12.—By executors, administrators, or representatives under Act No. XII of 1855 (to enable executors, administrators or representatives to sue and be sued for certain wrongs).	One year ...	The date of the death of the person wronged.
13.—By executors, administrators or representatives under Act No. XIII of 1855 (to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong).	Ditto ...	The date of the death of the person killed.
14.—To set aside any of the following sales:— (a) sale in execution of a decree of a Civil Court; (b) sale in pursuance of a decree or order of a Collector or other officer of revenue; (c) sale for arrears of Government revenue or for any demand recoverable as such arrears; (d) sale of a patni taluq sold for current arrears of rent. <i>Explanation.</i> —In this clause 'patni' includes any intermediate tenure saleable for current arrears of rent.	Ditto ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
15.—To alter or set aside a decision or order of a civil court in any proceeding other than a suit.	Ditto ...	The date of the final decision or order in the case by a court competent to determine it finally.
16.—To set aside any act of an Officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto ...	The date of the act.
17.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.	Ditto ...	When the attachment, lease or transfer is made.
18.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto ...	When the payment is made.
19.—Against Government for compensation for land acquired for public purposes.	Ditto ...	The date of determining the amount of the compensation.
20.—Like suit for compensation when the acquisition is not completed.	Ditto ...	The date of the refusal to complete.
21.—For false imprisonment ...	Ditto ...	When the imprisonment ends.



## SECOND SCHEDULE—continued.

## FIRST DIVISION : SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part IV.—One year,—concluded.</i>		
22.—For any other injury to the person ...	One year ...	When the injury is committed.
23.—For a malicious prosecution ...	Ditto ...	When the plaintiff is acquitted.
24.—For libel ...	Ditto ...	When the libel is published.
25.—For slander ...	Ditto ...	When the words are spoken.
26.—For taking or damaging moveable property.	Ditto ...	When the taking or damage occurs.
27.—For loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
28.—For inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
29.—For an illegal, irregular or excessive distress.	Ditto ...	The date of the distress.
30.—For wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.
<i>Part V.—Two years.</i>		
31.—For obstructing a way or a water-course	Two years ...	The date of the obstruction.
32.—For diverting a water-course ...	Ditto ...	The date of the diversion.
33.—For wrongfully detaining title-deeds.	Ditto ...	When the title to the property comprised in the deeds is adjudged to the plaintiff, or the detainer's possession otherwise becomes unlawful.
34.—For wrongfully detaining any other moveable property.	Ditto ...	When the detainer's possession becomes unlawful.
35.—For specific recovery of moveable property in cases not provided for by this schedule, numbers 48 and 49.	Ditto ...	When the property is demanded and refused.
36.—Against a carrier for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
37.—Against a carrier for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
38.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	The time of the perversion.
39.—Under Act No. XII of 1855 (to enable executors, administrators or representatives to sue and be sued for certain wrongs) against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is done.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part F.—Two years,—concluded.</i>	
40.—For compensation for any wrong, malfeasance, nonfeasance or misfeasance independent of contract and not herein specially provided for.	Two years ...	When the wrong is done or the default happens.
41.—For the recovery of a wife ...	Ditto ...	When possession is demanded and refused.
42.—For the restitution of conjugal rights	Ditto ...	When restitution is demanded and refused.
	<i>Part FI.—Three years.</i>	
43.—For trespass upon immoveable property.	Three years ...	When the trespass takes place.
44.—To contest an award under any of the following Regulations of the Bengal Code:—  VII of 1822, IX of 1825, and IX of 1835.	Ditto ...	The date of the final award or order in the case.
45.—By a party bound by such award to recover any property comprised therein.	Ditto ...	Ditto.
46.—By any person bound by an order respecting the possession of property made under Act No. XVI of 1835, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or Bombay Act No. V of 1864, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
47.—For lost moveable property not dishonestly misappropriated or converted.	Ditto ...	When the property is demanded and refused.
48.—For moveable property acquired by theft, extortion, cheating, or dishonest misappropriation or conversion.	Ditto ...	Ditto.
49.—For the hire of animals, vehicles, boats or household furniture.	Ditto ...	When the hire becomes payable.
50.—For the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
51.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years,—continued.</i>		
52.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Three years	The expiry of the period of credit.
53.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto	When the period of the proposed bill elapses.
54.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto	The date of the sale.
55.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto	When the work is done.
56.—For money payable for money lent	Ditto	When the loan is made.
57.—Like suit when the lender has given a cheque for the money.	Ditto	When the cheque is paid.
58.—For money lent under an agreement that it shall be payable on demand.	Ditto	When the demand is made.
59.—For money payable to the plaintiff for money paid for the defendant.	Ditto	When the money is paid.
60.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto	When the money is received.
61.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto	When the interest becomes due.
62.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto	When the accounts are stated, unless where the debt is made payable at a future time and then when that time arrives.
63.—Upon a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto	At the time specified or upon the contingency happening.
64.—Against a factor for an account	Ditto	When the account is demanded or, where no such demand is made, when the agency terminates.
65.—On a single bond where a day is specified for payment.	Ditto	The day so specified.
66.—On a single bond where no such day is specified.	Ditto	The date of executing the bond.
67.—On a bond subject to a condition	Ditto	When the condition is broken.
68.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto	When the bill or note falls due.
69.—On a bill of exchange payable at or after sight.	Ditto	When the bill is presented.
70.—On a bill of exchange accepted payable at a particular place.	Ditto	When the bill is presented at that place.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years—continued.</i>		
71.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Three years ...	When the fixed time expires.
72.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	When the demand is made.
73.—By the endorsee of a bill or promissory note against the endorser.	Ditto ...	The date of the endorsement.
74.—On a promissory note or bond payable by instalments.	Ditto ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due.	Ditto ...	The time of the first default, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The time of the delivery to the payee.
77.—On a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
79.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment.	Ditto ...	Ditto.
80.—Suit on a bill of exchange or promissory note not herein expressly provided for.	Ditto ...	When the bill or note becomes payable.
81.—By the acceptor of an accommodation-bill against the drawer.	Ditto ...	When the acceptor pays the amount.
82.—By a surety against the principal debtor.	Ditto ...	When the surety pays the creditor.
83.—By a surety against a co-surety ...	Ditto ...	When the plaintiff pays anything in excess of his own share.
84.—Upon any other contract to indemnify	Ditto ...	When the plaintiff is actually damaged.
85.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
86.—For compensation for damage caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.



SECOND SCHEDULE—continued.

FIRST DIVISION: Suits—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years—continued.</i>		
87.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Three years ...	The time of the last item admitted or proved in the account.
88.—On a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person.
89.—By the assured to recover premium paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.
90.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	When the account is demanded and refused.
91.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct occurs.
92.—To cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the instrument is executed.
93.—To declare the forgery of an instrument issued, or registered, or attempted to be enforced.	Ditto ...	The date of the issue, registration, or attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity and has knowledge of the conveyance.
95.—For relief on the ground of fraud ...	Ditto ...	When the fraud becomes known to the party wronged.
96.—To set aside a decree obtained by fraud.	Ditto ...	Ditto.
97.—For relief on the ground of mistake in fact.	Ditto ...	When the mistake becomes known to the plaintiff.
98.—For money paid upon an existing consideration, which afterwards fails.	Ditto ...	The date of the failure.
99.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death, or if the loss has not then been occasioned, the date of the loss.
100.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate who has paid the whole amount of revenue due from himself and his co-sharers.	Ditto ...	The date of the plaintiff's advance in excess of his own share.
101.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: Suits:—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years—concluded.</i>		
102.—For a seaman's wages ...	Three years ...	The end of the voyage during which the wages are earned.
103.—By a Muhammadan for exigible dower ( <i>mu'ajjal</i> ).	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower ( <i>mu'ajjal</i> ).	Ditto ...	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	The date of the receipt.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
107.—By a Hindú manager of a joint estate for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
109.—For the profits of immoveable property belonging to the plaintiff wrongfully received by the defendant.	Ditto ...	When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, the date of the decree of the appellate court.
110.—For arrears of rent. ...	Ditto ...	When the arrears become due.
111.—By a vendor of immoveable property to enforce his lien for unpaid purchase-money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any Statute or Act.	Ditto ...	When the call was made.
113.—For specific performance of a contract.	Ditto ...	When the plaintiff has notice that his right is denied.
114.—For the rescission of a contract ...	Ditto ...	When the contract is executed by the plaintiff.
115.—For the breach of any contract, express or implied, not in writing registered, and not herein specially provided for.	Ditto ...	When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or (where the breach is continuing) when it ceases.
<i>Part VII.—Six years.</i>		
116.—Upon a judgment obtained in a foreign country.	Six years ...	The date of the judgment.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VII.—Six years—continued.</i>		
117.—On a promise or contract in writing registered.	Six years ...	When the period of limitation would begin to run against a suit brought on a similar promise or contract not registered.
118.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	When the right to sue accrues.
<i>Part VIII.—Twelve years.</i>		
119.—By an auction-purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures.	Twelve years ...	When the sale becomes final and conclusive.
120.—To avoid incumbrances or under-tenures in a <i>patni taluq</i> or other saleable tenure sold for arrears of rent, the <i>talug</i> or tenure being, by virtue of such sale, freed from incumbrances and under-tenures.	Ditto ...	When the sale becomes final and conclusive.
121.—Upon a judgment obtained in British India, or a recognizance.	Ditto ...	The date of the judgment or recognizance.
122.—For a legacy or for a distributive share of the moveable property of a testator or intestate.	Ditto ...	When the legacy or share becomes payable or deliverable.
123.—For possession of an hereditary office.	Ditto ...	When the defendant, or some person through whom he claims, took possession of the office adversely to the plaintiff.  <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
124.—Suit during the life of a Hindú widow by a Hindú entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life.	Ditto ...	The date of the alienation.
125.—By a Hindú governed by the law of the <i>Mitákshará</i> to set aside his father's alienation of ancestral property.	Ditto ...	The date of the alienation.
126.—Like suit by a Hindú governed by the law of the <i>Dáyabhága</i> .	Ditto ...	When the father dies.
127.—By a Hindú excluded from joint-family property to enforce a right to share therein.	Ditto ...	When the plaintiff claims and is refused his share.
128.—By a Hindú for maintenance	Ditto ...	When the maintenance sued for is claimed and refused.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VIII.—Twelve years—continued.</i>		
129.—To establish or set aside an adoption.	Twelve years ...	The date of the adoption, or (at the option of the plaintiff) the date of the death of the adoptive father.
130.—For the resumption or assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrued :  Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement.
131.—To establish a periodically recurring right.	Ditto ...	When the plaintiff is first refused the enjoyment of the right.
132.—For money charged upon immoveable property.	Ditto ...	When the money sued for becomes due.
<i>Explanation.</i> —The allowance and fees called <i>mālikāna</i> and <i>haqq</i> s shall, for the purposes of this clause, be deemed to be money charged upon immoveable property.		
133.—To recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depository or pawnee in good faith and for value.	Ditto ...	The date of the purchase.
134.—To recover possession of immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value.	Ditto ...	The date of the purchase.
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto ...	When the mortgagee is first entitled to possession.
136.—By a purchaser at a private sale for possession of the immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the execution-debtor was out of possession at the date of the sale.	Ditto ...	When the execution-debtor is first entitled to possession.
138.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when he never has had possession.	Ditto ...	The date of the sale.
139.—Like suit when the purchaser had possession, but was afterwards dispossessed.	Ditto ...	The date of the dispossession.
140.—By a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.



## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VIII.—Twelve years,—continued.</i>		
141.—By a remainderman, a reversioner, (other than a landlord) or a devisee, for possession of immoveable property.	Twelve years ...	When his estate falls into possession.
142.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow.	Ditto ...	When the widow dies.
143.—For possession of immoveable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
144.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto ...	When the forfeiture was incurred or the condition broken.
145.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto ...	When the possession of the defendant, or of some person through whom he claims, became adverse to the plaintiff.
146.—For a declaration of right to an easement.	Ditto ...	When the easement ceased to be enjoyed by the plaintiff, or the persons on whose behalf he sues.
<i>Part IX.—Thirty years.</i>		
147.—Against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn, unless where an acknowledgment of the title of the depositor or pawnor, or of his right of redemption, has before the expiration of the prescribed period been made in writing signed by the depositary, or pawnee, or some person claiming under him, and, in such case, the date of the acknowledgment.
<i>Part X.—Sixty years.</i>		
148.—Against a mortgagee to recover possession of immoveable property mortgaged.	Sixty years ...	The date of the mortgage, unless where an acknowledgment of the title of the mortgagor or of his right of redemption has, before the expiration of the prescribed period, been made in writing signed by the mortgagee or some person claiming under him, and, in such case, the date of the acknowledgment: Provided that all claims to redeem arising under instruments of mortgage of immoveable property situate in British Burma, which have been executed before the first day of May 1868, shall be governed by the rules of limitation in force in that Province immediately before the same day.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of application.	Period of limitation.	Time when period begins to run.
	<i>Part X.—Sixty years.—continued.</i>	
149.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Sixty years ...	When any part of the principal or interest was last paid on account of the mortgage debt.
150.—Any suit in the name of the Secretary of State for India in Council.	Ditto ..	When the right to sue accrued.

## SECOND DIVISION: APPEALS.

Description of appeals.	Period of limitation.	Time when period begins to run.
151.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days ...	The date of the decree appealed against.
152.—Under the Code of Criminal Procedure to any Court other than the High Court.	Ditto ...	The date of the sentence or order appealed against.
153.—Under the same Code to the High Court.	Sixty days ...	Ditto.
154.—Under the Code of Civil Procedure to the High Court.	Ninety days ...	The date of the decree appealed against.

## THIRD DIVISION: APPLICATIONS.

Description of application.	Period of limitation.	Time when period begins to run.
155.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court and notice of the submission has been given to the persons and in manner prescribed by the High Court.
156.—By a plaintiff for an order to set aside a judgment by default.	Thirty days ...	The date of the judgment.
157.—By a defendant for an order to set aside a judgment <i>ex parte</i> .	Ditto ...	The date of executing any process for enforcing the judgment.
158.—Under the Code of Civil Procedure, by a person dispossessed of immoveable property and disputing the right of the decreeholder to be put into possession.	Ditto ...	The date of the dispossession.

## SECOND SCHEDULE—continued.

## THIRD DIVISION: APPLICATIONS,—continued.

Description of application.	Period of limitation.	Time when period begins to run.
150.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale.	Thirty days ...	The date of the sale.
160.—Complaining of resistance or obstruction to delivery of possession of immoveable property sold in execution of a decree, or of dispossession in the delivery of possession to the purchaser of such property.	Ditto ...	The date of the resistance, obstruction or dispossession.
161.—For re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
162.—For leave to appeal as a pauper ...	Ninety days ...	The date of the decree appealed against.
163.—To a High Court for the admission of special appeal.	Ditto ...	Ditto.
164.—For a review of judgment ...	Ditto ...	The date of the decree.
165.—Under the Code of Civil Procedure, section three hundred and twenty seven, that an award be filed in Court.	Six months ...	The date of the award.
166.—For the execution of a decision (other than a decree or order passed in a regular suit or an appeal) of a Civil Court or of a Revenue Court.	One year ...	The date of the decision, or of taking some proceeding to enforce or keep in force the decision.
167.—For the execution of a decree or order of any Civil Court not provided for by No. 169.	Three years ...	<p>The date of the decree or order,</p> <p>or (where there has been an appeal) the date of the final decree or order of the Appellate Court,</p> <p>or (where there has been a review of judgment) the date of the decision passed on the review,</p> <p>or (where the application next hereinafter mentioned has been made) the date of applying to the Court to enforce, or keep in force, the decree or order,</p> <p>or (where the notice next hereinafter made has been issued) the date of issuing a notice under the Code of Civil Procedure, section two hundred and sixteen,</p> <p>or (where the application is to enforce payment of an instalment which the decree directs to be paid at a specified date) the date so specified.</p>

SECOND SCHEDULE—*continued*THIRD DIVISION: APPLICATIONS,—*continued*.

Description of application.	Period of limitation.	Time when period begins to run.
168.—For the execution of any such decree or order of which a certified copy has been registered under the Indian Registration Act.	Six years ...	The date of the decree or order, or (where there has been an appeal) the date of the final decree or order of the Appellate Court, or (where there has been a review of judgment) the date of the decision passed on the review.
169.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction.	Twelve years ...	<p>When a present right to enforce the judgment, decree or order accrued to some person capable of releasing the right:</p> <p>Provided that, when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.</p>



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*Nothing hereinafter contained shall be deemed to have the force of law.*

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— of domestic servants, artisans and labourers, suit for, No. 7.

— of seamen, suit for, No. 102.

Want of jurisdiction, appeal on ground of, sec. 12, expl. 2.

Waste lands, suit to contest an award relating to, No. 1.

Watercourse, acquisition of title to, sec. 27.

— suit for obstructing, No. 31.

— suit for diverting, sec. 24, No. 32.

Way, acquisition of title to, sec. 27.

— suit for obstructing, No. 31.

Wife, suit for person of, No. 41.

See *Conjugal rights*, *Divorce Act*.

Work done, suit for price of, No. 55.

Writing,—see *Acknowledgment*, *Promise*.

Wrong not specially provided for, suit for, No. 40.

See *Administrator*, *Carrier*, *Continuing damage*, *Damaging moveables*, *Death*, *Distress*, *Executor*, *False imprisonment*, *Fraud*, *Infringement*, *Injunction*, *Injury*, *Legal Process*, *Libel*, *Loss*, *Malfeasance*, *Malicious prosecution*, *Misconduct*, *Misfeasance*, *Moveable property*, *Neglect*, *Nonfeasance*, *Perversion*, *Principal*, *Representative*, *Service*, *Slander*, *Trespass*, *Water-course*, *Way*, *Wrongdoer*, *Wrongful seizure*.

Wrongdoer in possession without title, not a 'trustee,' sec. 3.

Wrongful detention of moveables, Nos. 33, 34.

— seizure under legal process, suit for, No. 30.

WHITLEY STOKES,

Secy. to the Govt. of India.

**Government of Bengal.**  
**LEGISLATIVE DEPARTMENT.**

THE following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 18th March 1871, and having been assented to by His Excellency the Governor General on the 18th idem, is hereby promulgated for general information:—

ACT No. III of 1871.

*An Act to increase the fees for the survey of steam vessels.*

WHEREAS the fees now by law chargeable in respect of the grant of surveyors' certificates of the sufficiency of steam boats are insufficient to provide for the remuneration of competent persons where two surveyors are employed in making such survey, and it is generally necessary to employ two surveyors; It is hereby enacted as follows:—

I. Whenever two surveyors shall be employed in making a survey under the provisions of Act V of 1862 or Act I of 1868

passed by the Lieutenant-Governor of Bengal in Council, the owner or master of the steam vessel surveyed shall pay to each of the surveyors making the same a fee calculated on the tonnage of the vessel according to the rates in Schedule B to the said Act V of 1862 annexed, and such further fee as is provided in Section V of Act I of 1868 passed by the Lieutenant-Governor of Bengal in Council.

II. This Act shall be read with and as part of the said Act V of 1862 and Act I of 1868.

J. PITT KENNEDY,  
*Asst. Secy. to the Govt. of Bengal,  
Legislative Department.*

THE following Bill is, by direction of His Honor the Lieutenant-Governor, now published, before the Select Committee, to whom it was referred, have made their Report thereupon, in the form in which the Select Committee is now disposed to recommend it:

**AMENDED BILL.**

*A Bill better to provide for Embankments and Water-courses.*

WHEREAS it is expedient that provision should be made for the better supervision and protection of embankments and water-courses in the territories subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

I. The Regulations and Acts, and portions of Regulations and Acts in the Schedule hereto, are repealed.

II. The following words shall, for the purposes of this Act, have the meanings hereby declared, save where, from the context, a contrary intention appears:—

The word "Estate" means any land or share in land subject to the payment to Government of an annual sum, in respect of which the name of a pro-

prietor is entered in the register, known as the general register of all revenue-paying estates, or in respect of which a separate account may, in pursuance of Section 10, or Section 11 of Act XI of 1859, have been issued; and also any land or share in land entered in the register of revenue-free tenures.

The word "Embankment" includes every bank, dam, wall, and dyke made or used for excluding water from, or for retaining water upon any land, and every sluice, spur, groyne, training wall, or other work annexed to or portion of any such embankment, and every bank, dam, dyke, wall, groyne, or spur made or erected for the protection of any such embankment or of any land from erosion or overflow by or of rivers, tides, waves, or waters.

The word "Zemindar" means the person whose name is registered in the general register of estates paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of revenue-free tenures as proprietor of a revenue-free tenure.

The words "Public Embankment" mean an embankment maintained by the Officers of Government, whether at the public expense or at the expense of private persons.

The words "The Engineer" mean the Superintending Engineer of the Circle in which any embankment is situate.

The word "Collector" shall mean any Collector, Deputy Collector, or other Revenue Officer in independent charge of any district or portion of a district, or specially appointed by the Lieutenant-Governor of Bengal to perform the functions of a Collector under this Act.

The word "Land" includes interests in land and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.

The words "Proprietor of Land" shall be taken to mean a person having a perpetual tenure or interest at a fixed rate of revenue or rent in such land entitling him to the immediate occupation thereof, or to receipt of rent from the ryots thereof, or from some person having a temporary estate or interest therein.

III. The Engineer may cause any embankment which connects public embankments, or forms by junction with them part of a line of embankments, or is necessary for the protection or drainage of the neighbouring country, to be taken charge of and kept up by the Officers of Government.

IV. The Engineer may cause to be removed or altered any permanent or temporary embankment which endangers the stability of a public embankment or any obstruction of any kind which interferes with the general drainage of any tract of land.

**V.** The Engineer may cause to be altered any road or railroad which interferes with the drainage of any tract of land, or may cause a bridge, culvert, pipe or channels to be constructed under or through such road or railroad.

Power to alter roads or railroads.

**VI.** The Engineer may, when necessary, change the line of or extend any public embankment or make a new embankment in the place of or renew any public embankment or make an embankment in any place in which he may deem such embankment required for the protection of any lands, and may do all acts other than repairs necessary and proper for the maintenance of any public embankment.

Power to change line of embankment.

**VII.** The Engineer may effect any improvement or alteration in any water-course, channel or line of drainage when such improvement or alteration may be required for the protection of any village or cultivated land.

Power to improve drainage.

**VIII.** The Engineer may make any repairs in any embankment, channel or other work executed or taken charge of under the provisions of this Act or of any of the Acts repealed by this Act.

Power to make repairs.

**IX.** Save as hereinafter is provided, the Engineer, before causing any of the works mentioned in Sections III, IV, V, VI and VII, or in Section XX, or any of them, to be executed, or before giving any permission by license under the provisions of Section XXI., shall give notice in writing to the Collector of the district of his intention so to do. Upon the receipt of such notice the Collector shall cause a proclamation to be issued, incorporating the substance of the notice and calling upon all persons interested, who may be desirous of showing cause against the execution of such works, or the grant of such permission to appear before him on a certain day to be named therein.

Before commencing any work, notice to be given and proclamation issued.

**X.** Every such proclamation shall be published by affixing the same at the cutcherry of the Collector, and by serving a copy thereof upon the zemindar of any estate to be affected by the works intended to be executed or any part of such works if such zemindar be known, and by affixing a copy thereof upon the mal-cutcherry of every such estate if there be one; and if there be not, upon some conspicuous place in such estate.

Publication of proclamation.

**XI.** Every such proclamation shall be published not less than fifteen days before the day appointed for hearing the parties interested.

Proclamation to be published for fifteen days.

**XII.** In any enquiry held under this Act, the Collector, the Engineer, and the Commissioner, shall respectively have the powers conferred on Courts by the Code of Civil Procedure for compelling the attendance of and for examining witnesses and for the production of evidence in any enquiry or appeal which they or he may be empowered to make or entertain under the provisions of this Act.

Powers on enquiry and appeal.

**XIII.** The Collector shall hear the objections of any parties who may appear, and after recording any evidence which they may

Hearing of objections to work.

adduce, shall communicate the objections that may be made, together with his opinion thereon, to the Engineer, who shall return the same with his opinion to the Collector. If the Engineer agree in opinion with the Collector, the Collector shall pass an order accordingly, and notice of such order shall be served on the parties appearing in pursuance of the proclamation. If he differ from the Collector, the case shall be referred to the Commissioner of Revenue, who shall pass such orders thereon as he may deem fit.

**XIV.** Every such order passed by the Collector shall be appealable to the Commissioner of Revenue, and every order of the Commissioner shall be appealable to the Board of Revenue, but no appeal shall lie against any order passed under this section unless the same be presented within one month from the date of the order.

Appeal from orders made on objection.

**XV.** Subject to the right of appeal above mentioned, and to the orders and control of Government, every order passed under the provisions aforesaid shall be final, and shall not be open to revision by any Civil Court, and shall be conclusive as to the necessity of any works ordered to be executed.

Orders to be final.

**XVI.** In case, for the purposes of any works under this Act, it may be necessary to take any lands the property of any person, proceedings under the provisions of Act X of 1870, passed by the Governor General of India in Council, or any other law for the time being governing the acquisition of lands for public purposes, shall, save in the cases mentioned in Section XVII, be taken for the acquisition of such lands.

Proceedings to be taken for acquisition of lands.

**XVII.** Whenever the Engineer may be of opinion that the proceedings commenced by notice under Section IX of this Act would cause delay in the exercise of the powers by Sections III, IV, V, VI, and VII, or by any of them conferred on him, likely to be attended with grave and imminent danger to life or property, it shall be lawful for him to proceed to exercise such powers without giving any such notice as in Section IX is mentioned; or in case such notice shall have been given, without waiting until the time appointed by any proclamation under the said Section for hearing the parties interested. Provided, however, that he shall forthwith give to the Collector notice of his intention to act under this Section, and that such proceedings and enquiries shall be thereupon had as in and by Sections IX, X, XI, XII, and XIII, are directed to be had upon any notice given in pursuance of the said Section IX.

Power to take proceedings in emergency cases without previous notice.

**XVIII.** Whenever the Engineer may be absent, the Executive Engineer of the District may, in case he shall be of opinion that delay for the purpose of obtaining the orders of the Engineer would be attended with grave and imminent danger to life or property, he may exercise the powers in and by Section XVII, or any of the Sections therein referred to conferred on the Engineer.

Power to Executive Engineer to act for Engineer.



**XIX.** Whenever, upon an enquiry had under the provisions of Section XVII, it shall be determined in the final and conclusive order to be passed on such enquiry that anything done by the Engineer was unnecessary, the embankments or drainage shall, so far as any alteration thereof shall appear to be unnecessary, be at the expense of the Government restored to the state in which they were when the Engineer shall have commenced to exercise the powers conferred on him by Section XVII; and any person who shall have sustained loss, damage, or injury by the execution of such works, shall receive compensation, to be assessed and imposed according to the provisions contained in Part II of this Act.

**XX.** If any land-holder, farmer, or cultivator be desirous of having a sluice made in any public embankment for the purpose of drainage or irrigation, he shall make an application in writing to the Engineer of the district in which such embankment is situate. The application shall contain such particulars of the land to be drained or irrigated as may enable the Engineer to judge of the advantage which may be derived from the work; and the Engineer may, if he think fit, give notice to the Collector under the provisions of Section IX, and proceed thereupon in manner provided in Sections IX to XIX.

**XXI.** Whenever any person is desirous of erecting any new embankment, or of obstructing or diverting any drainage channel, he shall apply to the Engineer, and at the time of making such application shall deposit with him a statement of the proposed works, and the Engineer may thereupon, if he think such permission ought to be granted, proceed according to the provisions of Sections IX, X, XI, XII, and XIII, and if an order be made under these provisions to that effect, shall give to the applicant permission by a license under his hand.

**XXII.** Whenever any person is desirous that a temporary water-course should be made through, or that a temporary roadway should be made over, any public embankment, or that a temporary dam should be constructed in any embanked river, he shall apply to the nearest officer of the Embankment Department, who shall communicate the application to the Engineer, and the Engineer shall pass such orders thereon as he shall think fit. If the proposed work is to be executed by an Officer of Government, the applicant, before the commencement of the work, shall enter into a written agreement to defray the expenses of, and incident to, making such roadway, or of making and closing or removing such water-course or dam. In any case of emergency the officer in immediate charge of an embankment, subject to such general instructions as he may receive from the officer in charge of the embankments of the District, or from the Engineer, may cause a temporary water-course to be made through such embankment.

**XXIII.** Specifications of the work and estimates of the expenses which may be required for the maintenance or improvement of embankments, drainage channels, or other works

or repairs executed under the provisions of this Act, or of any of the Acts repealed by this Act, shall be prepared as soon after the month of October in each year as may be practicable. Copies of the specifications and estimates shall be transmitted to the office of the Collector, and may be examined by any person interested in the embankments. Notice of the receipt of the specifications and estimates shall be posted up in the Collector's office; and should any objection be preferred by any such person within a period of one month from the date of such notice, the Collector shall communicate the objection, with his own opinion thereupon, to the Engineer, who shall pass such orders as may appear to him reasonable and proper.

**XXIV.** The accounts of the actual expense incurred in making, maintaining, or improving embankments, drainage cuts, or other works or repairs executed under the provisions of this Act, or of any of the Acts repealed by this Act, and in constructing and repairing sluices and making temporary water-courses or roadways through or over any public embankment, or executing any other work under the provisions of this Act, shall be prepared as soon as possible after the completion of such works, and as soon as such accounts shall have received the sanction of the Engineer, copies thereof shall be forwarded to the office of the Collector, and may be there examined by any person interested. Notice of the receipt of the accounts shall be posted up in the Collector's office; and if, within one month from the date of such notice, any interested person shall object to the accounts on the ground either that the work charged for has not been performed, or that the whole sum charged has not been expended, or that the rates of charge are higher than ought to have been paid, the Collector shall enquire into such objection, and if the objection appear to be well founded, shall communicate the same with his opinion thereon to the Engineer. If the Engineer concur with the Collector, he shall pass orders accordingly; if he differ, the case shall be reported to the Commissioner, whose decision shall be final.

**XXV.** When any objection under the provisions of the section next preceding shall have been finally disposed of, or, if no objection be preferred, when a full month shall have elapsed from the date of notice, the Collector shall proceed under the provisions herein-after contained to apportion the sum charged among the parties liable to pay the same.

**XXVI.** The costs of the construction of all works executed under the powers and provisions of this Act or any of them, and the cost of the maintenance and repairs of all works executed under the powers and provisions of this Act or of any of the Acts repealed by this Act, or under any of such powers or provisions, shall be paid by the zemindars of the estates in which may be situate the lands benefited thereby.

**XXVII.** Where estates, the property of different zemindars, will in the opinion of the Collector derive protection from the construction, alteration, or extension of works executed under the provisions

Power to re-construct embankments.

Applications for sluices to be made to Collector.

Proceedings to obtain new embankment or drainage.

Power to make temporary embankments and dams.

Preparation and settlement of accounts.

Amount to be apportioned after one month.

Costs of works to be levied from owners of lands benefited.

Cost of works where lands of different owners benefited.

Estimate and specifications to be prepared.

of this Act, it shall be lawful for such Collector to charge the cost of such construction, alteration, or extension, upon the persons so deriving such protection rateably in the proportion of the respective arrears of the lands portion of such estates which may be protected by such works.

**XXVIII.** The cost of any land or other property taken or used for any works executed under the provisions of this Act, and compensation payable for injury or loss caused by anything done under the provisions of this Act, save as is provided in Section XIX, and the expense attending the acquisition of such land or other property, and of ascertaining the value thereof and the amount of compensation, and the cost of all surveys and plans and of all notices and of all other expenses incidental thereto shall be included in the cost of such works.

**XXIX.** Before assessing such contribution, the Collector shall cause a notice to be served on each of the zemindars of estates which in the opinion of the Collector will derive benefit from the works aforesaid. Every such notice shall state the nature of the works, and that lands situate in the estate of such zemindar will derive benefit from the execution of the works, and shall give him notice that an enquiry will be held, at a day and place to be named, for the purpose of apportioning, amongst the persons whose estates will be benefited by such works, the cost thereof according to the proportionate amount of such benefit.

**XXX.** When estates, the property of different zemindars, shall, in the opinion of the Collector, derive protection from the maintenance or repairs of any works executed or taken charge of or kept up under the provisions of this Act or any of the Acts repealed by this Act, it shall be lawful for the Collector to charge the expenses of such maintenance and repairs upon the zemindars of the estates so deriving such benefit rateably in the proportion of the benefit derived by such estates respectively.

**XXXI.** The respective contribution of such zemindars for such maintenance and repairs shall be in the proportion in which such zemindars respectively shall have contributed to the construction in case such proportion shall have been determined under the provisions of this Act; but in case such proportion shall not have been so determined, the Collector shall determine the proportion to be paid by each of such zemindars according to the provisions of this Act for the determination of the contributions of such zemindars to the construction, alteration, or extension of such works.

**XXXII.** On the day fixed in the notice mentioned in Section XXIX, which shall not be less than one month later than the date of service of such notice, the Collector shall proceed to make the necessary enquiry for the determination of the proportion in which the estate affected by the construction, extension, or alteration, maintenance, or repairs of the works, will be charged therefor. In making this enquiry he shall receive such evidence as may be tendered by or on behalf of the zemindars of estates which may appear likely

to be benefited by the construction, extension, or alteration, maintenance or repairs of the works as aforesaid, and by or on behalf of any other persons who may claim to be interested in the said enquiry.

**XXXIII.** The Collector shall and may, after such enquiry, make an award in which he shall find and state the names of the zemindars whose estates will be or are benefited by the construction, alteration, extension, maintenance, or repairs of such works and the proportion of the cost thereof, and of the expense of the said enquiry which they ought respectively to bear. No appeal shall lie from the award of the Collector.

**XXXIV.** It shall be lawful for the Collector to serve a notice upon the zemindar of an estate, the proportion of cost and expense chargeable against which shall have been determined under the provisions heretofore contained; and in case such proportion shall not be paid within one month after the service of such notice, the Collector shall make an order setting forth the amount so apportioned, and thereby require the person named therein to pay such amount.

**XXXV.** Every sum to be payable by any person under any order made by the Collector under the provisions of this Act, if the same be not paid within one month from the day upon which the same is payable under such order, shall be recoverable from such person with interest at the rate of five per cent. per annum as a demand recoverable as arrears of revenue of the estate in respect of which such sum may be payable.

**XXXVI.** It shall be competent to the zemindar of any estate assessed to a larger amount than his fair proportion, to recover such excess in the Civil Court from the zemindar of any estate benefited thereby, upon whom no assessment has been made, or a smaller amount has been assessed than ought to have been awarded against him. Provided that in such suit no more shall be recovered from any person than the amount to which he ought to have been assessed where he has not been required to contribute, or the amount by which the sum he was required to pay was less than his fair proportion where he has been required to contribute.

**XXXVII.** Every zemindar of an estate charged with any sum under the provisions aforesaid, and every owner of any tenure or interest in lands whether lukhiraj or not liable to pay any sum under the provisions of this section, may, after he shall have paid such sum, recover from any person from time to time holding immediately from him a perpetual tenure or interest at a fixed rent of any portion of the lands protected by the works in respect of which such payment may be made, or from any person holding or claiming to hold a lukhiraj tenure of any portion of such lands included within the boundaries of such estate such sum as shall bear to the entire payment the same proportion as the area of the lands of such person protected by such works bears to the area of the entire lands of such proprietor protected by such works.

**XXXVIII.** Every zemindar or other proprietor of lands who shall have paid any sum under the provisions aforesaid may recover from

Proprietors to recover proportion of payment from subordinate tenants.

any person at the time of the commencement of this Act holding immediately from him any temporary lease or other subordinate tenure not being perpetual or not being at a fixed rate of rent of any portion of the lands protected by the works in respect of which such payment may have been made in case such payment shall have been made in respect of maintenance or repairs of such works such sum as shall bear to the entire payment the same proportion as the area of the lands of such person protected by such works bears to the area of the entire lands of such zemindar or other proprietor protected by such works, and in case such payment shall have been made in respect of the construction, alteration, or extension of such works an annual sum calculated at the rate of ten per cent. per annum upon such sum. Such annual sum to be payable by equal instalments upon the days appointed for the payment of the rent of such tenure, and to be recoverable as if the same were an arrear of rent.

**XXXIX.** Any person who shall have made any payment under the provisions of Section XXXVIII or of this Section, may recover from any person from time to time holding immediately from him a temporary lease or other subordinate tenure of any portion of the lands protected by the works in respect of which such payment shall have been made such sum as shall bear to the entire payment so made the same proportion as the area of the entire lands in respect of which such payment shall have been calculated may bear to the area of the entire lands of such subordinate holder which shall have been protected by such works.

Proportion to be recovered by mesne tenants.

**XL.** No order of any Collector under any of the provisions hereinbefore contained, and no payment made under any of the provisions of this Act, shall be received in any Civil Court as evidence that the person therein named as zemindar of any estate is zemindar of such estate.

Orders of Collector not to be evidence.

**XLI.** Whenever the maintenance of any public embankment, or the retention of any land appropriated to the purposes thereof, may no longer be required, and the permanent relinquishment of the same may be deemed expedient by the Engineer, such land shall be conveyed by the Collector to the proprietor of the land, within the limits of which it may be situated, on payment of the compensation, if any, which was paid for such land when the same was taken for the purpose of the embankment. If the proprietor of such lands refuse or neglect to pay such price within a reasonable time after demand, the same shall be sold by the Collector for such price as he can obtain for the same. All sums obtained for the conveyance of lands under the provisions of this section shall, after the payment of all expenses incurred on account of the same, be applied to the payment of the cost of any new embankment or drainage works affecting the said lands, and in such case the residue only of the cost of such new works shall be charged upon the zemindars of estates benefited as hereinbefore provided.

Disposal of lands no longer required for embankments.

**XLII.** A Collector may delegate any of his powers under this Act to a Deputy Collector, but from any order passed by a Deputy Collector to whom powers have been so delegated, an appeal shall lie to the Collector, if presented within fifteen days of the date of the order.

Collector may delegate any of his powers to a Deputy Collector.

**XLIII.** Whenever the Engineer shall be of opinion that the removal of any houses, huts, or other buildings situated between a public embankment and the river is necessary, he shall make a report to that effect, accompanied by a detailed statement of the houses, huts, or other buildings to be removed, to the Collector of the District in whose jurisdiction the land on which such houses, huts, or other buildings stand is situated, and the Collector shall report the same to the Lieutenant-Governor of Bengal, in order that proceedings may be taken under the provisions of the said Act X of 1870, for obtaining possession of such houses, huts, and buildings. Provided always that in case the Engineer be of opinion that the delay required by such proceedings is likely to be attended with grave and imminent danger to life or property, it shall be lawful for him forthwith to cause such houses, huts, or buildings to be removed, and in such case such houses, huts, and buildings shall, for the purposes of this Act, be deemed to have been land taken in execution of the provisions of this Act.

#### PART II.—Compensation.

**XLIV.** Whenever any land shall have been taken or used under any of the powers or provisions of this Act, without proceedings having been taken under The Land Acquisition Act, 1870, the Collector shall cause public notice to be given at convenient places on or near the land so taken, stating that Government has taken possession of the land, and that claims to compensation for all interests in such land shall be made to him.

**XLV.** Such notice shall state the particulars of the land so taken, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interest.

**XLVI.** The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situated.

**XLVII.** In case any person so interested resides elsewhere and has no such agent, the notice shall be sent to him by post.

Further notice to be served on certain parties.

**XLVIII.** After service of such notices proceedings shall be had and taken to determine the amount of compensation to be payable in respect of such lands, and all the provisions contained in Sections X to

Proceedings after notice.



XV, XVIII to XXXIV, XXXVI, XXXVII, XXXVIII, XLII, LI, LVIII, and LIX of The Land Acquisition Act, 1870, shall be applicable to such proceedings.

**XLIX.** Whenever any land or any right of fishery, right of drainage, right of the use of water, or other right or property, shall have been injuriously affected in the due exercise of the powers or provisions of this Act, the person in whom such right is vested may prefer a claim by petition to the Collector of the district for compensation.

**L.** No claim shall be entertained which shall be made later than one year next after the completion of the work by which such right is injuriously affected.

**LI.** Subject to the provisions of Section L, the Collector shall proceed to enquire into each claim made, and to determine the amount of compensation, if any, which should be made, and the person to whom the same should be payable, and the Collector, on the receipt of such claim, shall fix a time and place for hearing such claim, and Sections IX to XV, X to XXIII, XXVI to XL, LI, LIV, and LIX, of Act X of 1870, shall apply to enquiries into such rights as aforesaid, or the exercise of such rights as aforesaid, and to the award of compensation for injury to such rights as though they were interests in and awards of compensation for land needed for a public purpose.

**LII.** If the Judge differs from both the assessors as to the amount of compensation, under any of the provisions hereinbefore contained, he shall pronounce his decision, and the Collector or the person interested (as the case may be) may appeal therefrom to the Court of the District Judge.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

**LIII.** When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

**LIV.** Payment of the compensation shall be made by the Collector according to the award to the persons named therein, or in the case of an appeal under the section LII according to the decision on such appeal. Provided that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

#### PART III.—Miscellaneous.

**LV.** Sluices constructed in any public embankment shall be opened only by or with the general or special permission of the officer in the immediate charge of the embankment, under such orders,

either general or special, as he may receive from the Engineer.

**LVI.** Every person who, without the previous permission of the Engineer obtained as hereinbefore set forth, shall erect, or cause or wilfully permit to be erected, any new embankment, or shall obstruct or divert, or cause or wilfully permit to be obstructed or diverted, any drainage channel, shall be liable on conviction to a fine not exceeding five hundred Rupees, or in default of payment to imprisonment for six months.

**LVII.** Whoever wilfully obstructs any person duly authorized under this Act in removing or levelling any embankment, house, hut, or other building, or in the lawful exercise of any of the powers in this Act conferred, shall, in case such obstruction shall not amount to an offence within the provisions of the Indian Penal Code, be liable to be imprisoned for any time not exceeding six months, with or without labor, at the discretion of the Magistrate, or to fine not exceeding two hundred Rupees, commutable, if not paid, to a period of imprisonment not exceeding six months, or to both.

**LVIII.** No person shall, without due authority, cut through or attempt to cut through any embankment, whether public or private, or destroy or attempt to destroy any such embankment, or open any sluice or water-course in any such embankment; and every person who shall commit any breach of the provisions of this section shall, in case the act shall not amount to mischief within the meaning of the Indian Penal Code, be liable to imprisonment for a term not exceeding one month with or without hard labour, or to a fine not exceeding two hundred Rupees, or to both.

**LIX.** Every person who shall make any dam or other obstruction for the purpose of diverting or opposing the current of a river, wherein or whereon there are public embankments, without the permission of the officer in immediate charge of the embankments, or shall refuse or neglect to remove any such dam or obstruction when so required by the Engineer or the Executive Engineer of the district, or shall cut or otherwise alter the banks of any embanked river, or shall remove the earth from any public embankment, or shall drive stakes into it, or by any other wilful act destroy or diminish the efficiency of such embankment; and every person who shall cause or knowingly and wilfully permit any cattle to graze upon any such embankment, or shall tether or cause or wilfully permit any cattle to be tethered upon any such embankment, or who shall root up any grass growing on any such embankment, shall be liable to simple imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both.

**LX.** If any offence against the provisions of Sections LVIII or LIX shall be committed, and the offender shall not be discovered and made amenable within one month after the commission of the offence, a fine not exceeding two hundred Rupees shall,

Penalty on unauthorized interference with embankments or drainage.

Penalty for obstructing persons in exercise of powers of Act.

Penalties for injuring works under Act.

Penalties for diverting rivers or permitting cattle to graze on embankments.

Compensation for consequential damage.

Application to be made within year.

Procedure for such compensation.

Appeal from Judge's decision as to compensation.

Determination of proportions.

Payment of compensation to whom made.

Sluices to be opened under authority of the Engineer.



whether the offence do or do not amount to mischief, be leviable from the inhabitants of the village in which such offence shall have been committed, by distress and sale of any of the cattle of any such inhabitants.

**LXI.** Every notice to be served under any of the provisions of this Act may be served by delivering to the person to whom the

*Service of Notice.*  
same is addressed a copy thereof, or by delivering such copy at the usual or last known place of abode of such person to some adult male member of his family; or in case it cannot be so served by posting such copy upon some conspicuous part of the usual or last known place of abode of such person. In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the officer issuing such notice shall decide.

**LXII.** All the powers and authorities vested in the Engineer by any of the sections of the Act, may be exercised by any officer of the Department of Public Works subordinate to him, not being of a grade lower than an Executive Engineer, in cases referred to him by the Engineer. Provided always that it shall be lawful for the Engineer to recall any case so referred and to proceed thereon, either adopting or not adopting any of the proceedings theretofore had thereon, as to him shall seem fit. Provided further, that all reports by such delegated Officer shall be submitted to the Engineer before they shall be forwarded to the Collector or any other authority.

*Power to delegate the authorities of the Engineer.*  
**LXIII.** This Act may be called "The Embankment Act," 1871.

*Short title.*  
**LXIV.** This Act shall commence and take effect on the day of

1871.

#### SCHEDULE OF REPEALED ACTS.

No. of Act.	Title of Act.	Extent of repeal.
XXXII of 1866	An Act relating to embankments.	The whole Act.
VII of 1866 (B.C.)	An Act to make better provision for the acquisition of land for embankments and other matters relating thereto.	The whole Act.

J. PITT KENNEDY.

*Asst. Secy. to the Govt. of Bengal,  
Legislative Department.*

#### ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

#### REVENUE AND GENERAL DEPARTMENTS.

No. 458R.

#### APPOINTMENTS.

*The 22nd March 1871.*—Mr. Joseph Samuel Carstairs to officiate as Magistrate and Collector of Rajshahye, in the Second Grade, during the absence, on leave, of Mr. Wilfred Lucas Heeley, B.A., or until further orders.

Mr. Henry Roberts Madocks to officiate as Commissioner of Revenue and Circuit of the Bhargulpore Division, during the absence, on leave, of Mr. John Warrander Dalrymple, or until further orders.

*The 23rd March 1871.*—Moulvie Dulleclooddeen, Deputy Collector, Patna, is vested with the powers of a Collector under Section 3, Act X. of 1870.

*The 24th March 1871.*—Baboo Shamachurn Chatterjee, Deputy Collector at Serampore, is vested with the powers of a Collector under Act X. of 1870.

Mr. Henry Sneyd Beadon, B.A., to be Private Secretary to the Lieutenant-Governor as a temporary arrangement.

Mr. Robert Henry Wilson, B.A., to officiate as Under-Secretary to the Government of Bengal, during the absence, on furlough, of Mr. Alexander Mackenzie, B.A., or until further orders.

*The 25th March 1871.*—Baboo Ramecomar Bose, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Culna, in Burdwan.

Mr. Arthur Lloyd Clay to officiate as Magistrate and Collector of Chittagong, in the Second Grade, during the absence, on deputation, of Mr. James Duff Ward, or until further orders. This cancels the orders of the 9th ultimo, appointing Mr. Clay to officiate as Magistrate and Collector of Noakhally.

Mr. Lucas Barnett Blacker King to officiate as Magistrate and Collector of Noakhally, in the Second Grade, during the absence, on furlough, of Mr. John Mangles Lewis, or until further orders.

Mr. Francis William Rice Cowley to officiate as Joint-Magistrate and Deputy Collector of Chittagong.

Mr. Frederick William Joseph Rees, B.A., is re-appointed to officiate as Superintendent of Stamps and Stationery, during the absence, on deputation, of Mr. William Cornell, B.A., or until further orders.

*The 27th March 1871.*—The following appointments are sanctioned *vice* Baboo Doorgadas Kur, deceased:—

Baboo Jurobundhoo Rose, M.D., to be Teacher of Materia Medica in the Vernacular Classes of the Calcutta Medical College.

Baboo Chunder Mohun Ghose, B.A. and M.B., to be Teacher of Anatomy in the Vernacular Classes of the Calcutta Medical College.

Baboo Gobind Chunder Chatterjee to be Second Demonstrator of Anatomy, Calcutta Medical College.

*The 28th March 1871.*—The Reverend Frederick Orton, B.A., to be Chaplain of Darjeeling, with effect from the date on which he joined the appointment.

#### LEAVE OF ABSENCE.

*The 22nd March 1871.*—Mr. Wilfred Lucas Heeley, B.A., Officiating Magistrate and Collector of Rajshahye, for twenty-four days, under Section XVIII. of the Covenanted Service Absentee Rules.

Mr. John Warrander Dalrymple, Commissioner of Bhargulpore, for three months, from the 2nd proximo, under Section XIX. of the Covenanted Service Absentee Rules.

*The 24th March 1871.*—Mr. Edmund Craster Craster, of the Civil Service, is allowed subsidiary leave of absence from the 25th ultimo to the 3rd instant, to enable him to rejoin his appointment on his return from furlough.

Colonel Henry Hopkinson is allowed leave of absence from the 6th to the 10th instant, under subsidiary Rule 2, Section XI. of the Covenanted Service Absentee Code, in excess of the usual period of subsidiary leave, to enable him to join his appointment on return from furlough.

*The 27th March 1871.*—Mr. Edward Drummond, c.s., is allowed the usual subsidiary leave of absence, to enable him to join his appointment on return from furlough.

Mr. Gustave Mann, Assistant Conservator of Forests in Assam, for twenty months, under paragraph 11 of the Uncovenanted Service Absentee Rules, together with preparatory leave for a period not exceeding thirty days.

*The 28th March 1871.*—Baboo Tarucknath Ghose, Deputy Collector of Survey, for six months, from the 1st ultimo, under paragraph 11 of the Uncovenanted Service Absentee Rules.

Mr. Frederick Horatio Elphinstone, Deputy Magistrate and Deputy Collector, Gya, for fifteen days, under paragraph 16 of the Uncovenanted Service Absentee Rules.

Mr. Henry Luttmann-Johnson, Officiating Joint-Magistrate and Deputy Collector of the 24-Pergunnahs, for fourteen days, under Section XVIII. of the Covenanted Service Absentee Rules, from the date on which he may be relieved of his present appointment.

Baboo Uma Churn Bose, Special Sub-Registrar of Assurances, Patna, for one month, from the 5th proximo, under paragraph 16 of the Uncovenanted Service Absentee Rules.

#### NOTIFICATIONS.

*The 22nd March 1871.*—The following Officers reported their departure from India on the date and on the vessel mentioned:—

Names.	Date of departure.	Vessel.
Mr. James Randall Muspratt, c.s.	1st March 1871.	Columbian.
Mr. John Foster Stevens, c.s.	Ditto.	Ditto.

*The 24th March 1871.*—The services of Captain R. Gordon Loch, Private Secretary and Aide-de-Camp to the Lieutenant-Governor, are placed at the disposal of the Government of India, in the the Military Department, with effect from the afternoon of this day.

The services of the Hon'ble Ashley Eden, Secretary to the Government of Bengal, in the Judicial Department, are placed at the disposal of the Government of India, in the Foreign Department.

*The 25th March 1871.*—Mr. Lucas Barnett Blacker King, of the Civil Service, reported his return to Bombay from furlough on the 18th instant.

RIVERS THOMPSON,  
Offg. Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Financial Department, is republished for general information:—

No. 1701.—*Notification.—Accounts.—Fort William, the 23rd March 1871.*—The following Despatch from the Right Hon'ble the Secretary of State for India is published for general information:—

FINANCIAL.

No. 59.

INDIA OFFICE;

London, the 23rd February 1871.

To His Excellency the Right Hon'ble the Governor General of India in Council.

MY LORD.—I have considered in Council your Financial letter dated the 14th December 1870, No. 265, transmitting for my approval copy of a Resolution passed by your Government with the view of enlarging the powers of the several Governments of Presidencies and Provinces in certain Departments of the Administration.

1. Hitherto the Government of India has exercised a direct control over all the Departments of the several Governments. It has been responsible for their efficiency, and has had to provide the necessary funds to meet the expenditure.

2. You are now satisfied that, under that system, the Local Governments, although deeply interested in the welfare of the people confided to their care, are liable, in their anxiety for administrative progress, to allow too little weight to fiscal considerations, through not knowing the requirements of other parts of India; and that the Supreme Government, which is responsible for the general financial safety, has been obliged to reject many demands deserving of encouragement.

3. You also consider that the Supreme Government is not in a position to deal satisfactorily with local requirements, and does not possess the knowledge necessary for the full and successful development of local resources.

4. Impressed with these views, and in order to avoid conflicts of opinion injurious to the public interests, which have resulted from the existence of an ill-defined responsibility, you propose to entrust to the several Governments of Presidencies and Provinces the general control of the following branches of the Administration, viz.:

Jails,  
Registration,  
Education,  
Medical Services (other than Medical Establishments),  
Printing,  
Roads,  
Miscellaneous Public Improvements, and  
Civil Buildings.

5. allotting for the annual expenditure connected therewith permanent imperial assignments (Local Funds being excluded) amounting to 4,688,711½, which is 390,801½ less than the sum allowed for the expenditure of the same Departments in the year 1870-71.

6. These assignments will not henceforward be classified in the Imperial Estimates and Accounts, but will appear under the single head of "Provincial Services." Each Local Government will publish its yearly estimates and accounts in the local "Gazette," with a financial exposition, analogous to that annually made in the Legislative Council of the Governor General, and it will rest with the several Governments to provide for the growing wants of the country in the Departments entrusted to them, and to consider how any deficiency in the ways and means available for provincial services can best be supplied.

7. You have laid down certain conditions in regard to the creation or abolition of appointments, increase of salary, deposits of money, and services rendered to other Departments, which are not to be altered without the previous sanction of the Government of India.

8. I am fully sensible of the great importance of extending the powers and responsibility of the several Governments in regard to Departments which can be regarded as local, and of the anxious deliberation which you have given to this subject.

9. After a careful consideration of your several propositions, I approve of the principles which you have laid down, and I see no reason to doubt the expediency of the arrangements which you have proposed.

10. The great objects to be kept in view in relation to each of the specified branches of local administration are, to secure the greatest degree of economy consistent with efficiency, to provide for the growing demands arising

out of improved administration without materially increasing the burdens of the people, and, as far as possible, to secure the general concurrence of the local communities in the measures taken on their behalf.

11. I am especially anxious that, when devising measures of improvement, it should be the earnest endeavour of each Local Government to provide the funds required for them by the exercise of strict economy in their general expenditure, and that additional taxation should only be resorted to in cases of undoubted necessity, and when the income otherwise available is clearly insufficient.

12. It is obvious that the degree of success that will attend this extension of the powers of the Local Governments will greatly depend on the discretion with which those powers are exercised, and I entertain no doubt that the several Governments will fully appreciate the importance of the trust confided to them.

13. The measures adopted will, I conclude, be reported to me by the Governments of Madras and Bombay, as far as relates to matters under their control, and by your Government in regard to the administration of Bengal and the remaining Provinces.

14. The arrangements as now proposed are necessarily experimental, and will be subject to revision, either in principle or detail, should experience show that such a course is necessary.

I have, &c.,

AROTL.

The following Orders issued by the Government of India, in the Military Department, are republished for general information:—

No. 270.—*Fort William, the 22nd March 1871.*—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Captain William Jackson Stewart, of the Bengal Staff Corps, Deputy Superintendent, Revenue Survey Department,—for one year, under the Regulations of 1868.

No. 271.—Under the authority of the Right Hon'ble the Secretary of State for India, it is hereby notified that an Officer holding a Civil appointment with a consolidated salary, and who draws, under the Furlough Regulations of 1868, furlough pay based on the average of his receipts for three years, will, if he vacates his appointment during furlough, revert at once to the furlough pay which he would draw in virtue of his rank, viz. (4), half his Indian pay and allowances, as laid down in Rule V. of the Furlough Regulations of 1868.

RIVERS THOMPSON,

Offg. Secy. to the Govt. of Bengal.

#### NOTIFICATION.

The 22nd March 1871.—In continuation of the Notification published in the *Calcutta Gazette* of the 6th April 1870, pages Nos. 754-56, the Lieutenant-Governor directs that the following article, which has received the approval of His Excellency the Governor General in Council, may be substituted for the present article E.

2. The fee to be paid for search shall be—  
For the first year, eight annas.  
For any subsequent year, four annas.  
Up to a maximum of Rs. 5.

RIVERS THOMPSON,

Offg. Secy. to the Govt. of Bengal.

#### JUDICIAL AND POLITICAL DEPARTMENTS.

No. 318J.

#### APPOINTMENTS.

The 3rd March 1871.—Baboo Bhoopati Roy, Subordinate Judge of Tirhoot, to officiate as Judge of the Small Cause Court at Moorsherpore, in addition to his own duties, during the absence, on leave, of Moulvie Syed Imdad Ali, or until further orders.

The 23rd March 1871.—The following gentlemen to be Members of the Committee for the management of the Charitable Dispensary at Goberdangah, in the 24-Pergunnahs:—

Baboo Baneymadhub Chatterjee.

„ Tarapersad Mitter.

„ Bejoy Chunder Dutt.

„ Grish Chunder Bose.

Baboo Grish Chunder Bose to be also Secretary to the Committee.

Baboo Shama Churn Roy to officiate as Moonsiff of Arrareah, in Purneah, during the absence, on leave, of Moulvie Syed Ali Hossein, or until further orders.

Baboo Debendro Lall Shome, B.L., to officiate as Moonsiff of Patuakhali, in Backergunge, during the absence, on leave, of Baboo Mohesh Chunder Chuckerbutty, or until further orders.

Shah Lutafut Hossein to officiate as Moonsiff of Bhaugulpore, during the absence, on deputation, of Baboo Bolak Chand, or until further orders.

The 24th March 1871.—Sub-Assistant Surgeon Baneymadhub Bose, attached to the Charitable Dispensary at Chuprah, to have medical charge of that Civil Station, in addition to his own duties, during the absence, on leave, of Dr. R. Macleod, or until further orders.

Mr. John Arthur Hopkins, B.L., to be Vice-Chairman of the Municipal Commissioners for the Town of Midnapore.

Mr. John Frederick Browne to officiate as Civil and Sessions Judge of Bhaugulpore, during the absence, on deputation, of Mr. Henry Roberts Madocks, or until further orders.

Baboo Digumber Canoongoe, Additional Moonsiff of Dacca, is transferred to Jessore.

The 25th March 1871.—Mr. Ernest George Birch, Officiating Civil and Sessions Judge of Burdwan, to be Civil and Sessions Judge of Burdwan.

Mr. Henry Muspratt to be Additional Judge of Chittagong, but to continue to officiate as Civil and Sessions Judge of Rajshahye, until further orders.

Mr. Alexander Elliot Russell, on furlough, to be Civil and Sessions Judge of Dinagore.

The above three appointments will have effect from the 15th instant.

Dr. Charles Julian Jackson to be a Municipal Commissioner for the Town of Patna.

Mr. William John Kilby to officiate as District Superintendent of Police, Shahabad, during the absence, on leave, of Mr. William Dering Pratt, or until further orders.

Mr. John Masters to officiate as District Superintendent of Police, Maldah, during the absence, on deputation, of Mr. Robert Hamilton Grant Irvine, or until further orders.

Mr. William Cornell, M.A., to officiate as Civil and Sessions Judge of Midnapore, during the absence, on privilege leave, of Mr. Anthony John Richards Bainbridge, or until further orders.

The 27th March 1871.—Baboo Judoonath Mullick to officiate, until further orders, as Judge of the Court of Small Causes at Midnapore, and Subordinate Judge of that District.



Baboo Ramdoollub Das to officiate as First Subordinate Judge of Dacca, during the absence, on leave, of Moulvie Nazirooddeen Mahomed, or until further orders.

Major Quintin Dick Parsons to officiate in the First Grade of District Superintendents of Police, with effect from the date on which he relieved Major William Turtou Fagan.

Baboo Ramyad Lall, Moonsiff of Boroharee, in Rungpore, on leave, to be Moonsiff of Munglucote, in Burdwan, with effect from the 1st proximo, *vice* Moulvie Ahmed Ali.

Baboo Mothooranath Goopto, Moonsiff of Motiharee, in Sarun, to be Moonsiff of Patna.

Baboo Pearvillol Banerjee, Moonsiff of Patna, to be Moonsiff of Arrah, in Shahabad.

Moulvie Moheesooddeen, Moonsiff of Arrah, in Shahabad, to be Moonsiff of Jehanabad, in Gya.

Baboo Gocool Chand, Moonsiff of Jehanabad, in Gya, to be Moonsiff of Motiharee, in Sarun.

*The 28th March 1871.*—Surgeon William John Palmer, M.D., to officiate as Superintendent of the Sukea's Street Dispensary, during the absence, on furlough, of Surgeon Samuel Bowen Partridge, or until further orders.

Surgeon Henry Charles Cutcliffe to officiate as Medical Inspector of Emigrants, during the absence, on furlough, of Surgeon Samuel Bowen Partridge, or until further orders.

#### LEAVE OF ABSENCE.

*The 3rd March 1871.*—Moulvie Syed Imdad Ali, Judge of the Small Cause Court at Mozufferpore, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the 9th instant.

*The 24th March 1871.*—Dr. R. Macleod, Medical Officer of Sarun, for one month, from the 10th proximo, under paragraph 16 of the Uncovenanted Service Absentee Rules.

*The 25th March 1871.*—Mr. Anthony John Richards Bainbridge, Officiating Civil and Sessions Judge of Midnapore, for two months, from the 3rd proximo, under Section XIX. of the Covenanted Service Absentee Rules.

*The 27th March 1871.*—Baboo Koonjolall Banerjee, Judge of the Calcutta Court of Small Causes, for one week, under Financial Notification No. 3622, dated the 22nd December 1865, in extension of the leave granted to him under the orders of the 18th ultimo.

Mr. Sandford James Kilby, Assistant Superintendent of Police, Patna, for three months, under Financial Notification No. 3622, dated the 22nd December 1865.

*The 28th March 1871.*—Sub-Assistant Surgeon Shama Churn Dey, doing duty in the Calcutta Medical College Hospital, for six months, under paragraph 12, clause 1 of the Uncovenanted Service Absentee Rules.

#### NOTIFICATIONS.

*The 21st March 1871.*—The unexpired portion of the leave granted to Sub-Assistant Surgeon Rajmohun Banerjee, under the orders of the 13th April 1870, is cancelled at his own request, with effect from the 8th instant.

*The 25th March 1871.*—The services of Sub-Assistant Surgeon Nobo Coomar Banerjee, a Supernumerary at the Presidency, are placed at the disposal of the Government of the North-Western Provinces.

A. EDEN,  
Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, is republished for general information:—

No. 428.—*Judicial.*—Fort William, the 22nd March 1871.—The Hon'ble A. G. Macpherson resumed his seat as a Judge of the High Court of Judicature at Fort William in Bengal on the forenoon of the 11th instant.

The following Orders issued by the Government of India, in the Military Department, are republished for general information:—

No. 280.—Fort William, the 24th March 1871.—The under-mentioned Officers have reported their return from England:—

Surgeon F. N. Macnamara, M.D., of the Medical Department, Chemical Examiner and Professor of Chemistry, Medical College, Calcutta,—date of arrival at Bombay, 29th January 1871.

No. 281.—The under-mentioned Officers have reported their departure for Europe on the dates specified:—

Major T. Buttenshaw, of the Bengal Staff Corps, G. G. O. No. 97 of 1871,—Australia, 14th March 1871.

A. EDEN,  
Secy. to the Govt. of Bengal.

#### NOTIFICATION.

*The 22nd March 1871.*—In modification of the Notification of the 16th January 1869, the Lieutenant-Governor has been pleased to notify that the limits of the town of Tumlook, in the Midnapore District, for the purposes of Act VI. (B.C.) of 1868, will be as follows:—

*On the South.*—The villages of Salgutchia, Chulk Kamma, Sonamoe, and Srikistopore.

*On the East.*—The Roopnarain River.

*On the North.*—The Gungakhally Khal and the village of Rutunali.

*On the West.*—The villages of Bhoobanessurpore, Nischintbassau, and Pyrachalli.

A. EDEN,  
Secy. to the Govt. of Bengal.

#### NOTIFICATION.

*The 24th March 1871.*—It is hereby notified that the Notification of 29th June 1870, published in the Calcutta Gazette of the 6th July, transferring the villages in Turruf Porihati from the Criminal Jurisdiction of the District of Singhbhoom to that of Midnapore is hereby cancelled, except so far as concerns any act done or charge brought under that notification from the date of its publication up to the 1st April of the current year.

A. EDEN,  
Secy. to the Govt. of Bengal.



## Public Works Department,—Bengal.

## ESTABLISHMENT.

## No. 84.

*The 23rd March 1871.*

*Leave of Absence.*—Captain J. L. Watts, R.E., Executive Engineer, First Grade, Assistant to the Chief Engineer, and Assistant Secretary in this Department, for fifteen days, preparatory to proceeding on furlough to Europe on private affairs.

## No. 85.

Captain J. May, Assistant Engineer, First Grade, attached to the Gya Division, is allowed privilege leave for one month.

## No. 86.

*Notifications.*—Mr. W. H. King, Assistant Engineer, Second Grade, attached to the Dum-Dum Division, passed in the Departmental Standard on the 12th December 1870.

## No. 87.

Mr. J. W. Brasington, Assistant Engineer, Second Grade, joined the Second Presidency Division on the 18th March 1871, before noon.

## No. 88.

Serjeant Major W. Hill, Overseer, First Grade, attached to the Ramghur Division, is remanded to Military duty at his own request, with effect from the 1st March 1871.

## No. 89.

Baboo Khetternath Ghosal, Overseer, Second Grade, joined the Southern Cuttack Division on the 14th March 1871, afternoon.

## No. 90.

*The 24th March 1871.*

*Transfer.*—Baboo Kedarnath Sen, Sub-Engineer, Second Grade, from the First Division, Grand Trunk Road, to the Burrakur Division.

## No. 91.

*Notification.*—Baboo Pormotho Chunder Chatterjee, Overseer, Second Grade, joined the Northern Cuttack Division on the 12th March 1871, before noon.

## No. 92.

*Leave of Absence.*—Baboo Muddan Mohun Banerjee, Temporary Local Overseer, Third Grade, attached to the Berhampore Division, for six weeks, on medical certificate, under Section 11 of the revised Uncovenanted Service Absentee Regulations, without pay.

## No. 93.

*The 27th March 1871.*

Baboo Heera Lall Banerjee, Overseer, First Grade, attached to the Ramghur Division, for one month, on medical certificate, under Sections 11 and 20 of the above Regulations.

## No. 94.

The following Order issued by the Government of India, Military Department, is republished for information:—

*No. 281 of the 24th March 1871.*—The under-mentioned Officers have reported their departure for Europe on the dates specified:—

• • • • •  
Lieutenant (Local Captain) H. McV. Crichton, of the Royal Engineers, G. G. O. No. 97 of 1871,—*Australia*, 14th March 1871.

## No. 95.

The following Orders issued by the Government of India, Public Works Department, are republished for information:—

*No. 131 of the 20th March 1871.*—Mr. W. Roleston, Accountant, Fourth Grade, Bengal, is transferred to the Punjab as Accountant, Third Grade, *vice* George, resigned.

Mr. E. D. Sinclair, Accountant, Fourth Grade, Bengal, is transferred to the Central Provinces as Accountant, Third Grade, to fill an existing vacancy. This cancels the portion of Notification No. 99 of 24th February 1871, referring to Mr. Sinclair.

*No. 132 of the above date.*—Mr. P. Phillips, Deputy Controller, Bengal, and Officiating Controller, Rajpootana, is transferred to the North-Western Provinces, but will continue to officiate in Rajpootana.

*No. 134 of the 21st March 1871.*—The under-mentioned gentlemen are appointed Assistant Controllers of Public Works Accounts, Third Grade, on probation, and posted as follows:—

Mr. E. M. Palmer to Bengal, with effect from the 22nd instant.

Mr. D. E. Bruce to Bengal, as Assistant Examiner of Railway Accounts.

*No. 138 of the 24th March 1871.*—Lieutenant W. J. LeBreton, Bengal Staff Corps, Assistant Controller, First Grade, Punjab, and Officiating Deputy Controller, North-Western Provinces, is transferred to Bengal, but will continue in his officiating appointment until further orders.

Mr. E. M. Palmer, Assistant Controller, Third Grade, Bengal, is transferred to the Punjab, *vice* LeBreton.

Mr. T. Wood, Assistant Controller, First Grade, to continue to officiate as Assistant Controller, Bengal, during the absence of Lieutenant LeBreton.

## No. 96.

*Notification.*—Captain H. McV. Crichton, R.E., Executive Engineer, Second

• G. G. O. G. No. 97 of Grade, Officiating Garrison the 31st January 1871. Engineer, Fort William, who obtained\* leave on furlough to Europe on private affairs, having left India on the 14th March 1871, will be borne on the list of the Engineer Establishment in Bengal as a Supernumerary in his grade from that date.

J. E. T. NICOLLS, Col., R.E.,

Secretary to the Govt. of Bengal,

P. W. D.

## Revenue Survey Department.

No. 47.

*Leave of Absence.*—Mr. George Henry Blyth, Revenue Surveyor, Third Grade, First Division, Lower Provinces, for one month on medical certificate, in extension of the leave granted in Notifications Nos. 26 and 32, dated 5th and 19th January last.

JOHN MACDONALD, Major,  
Offg. Supdt. of Revenue Surveys,  
CALCUTTA, Lower Circle.  
The 20th March 1871.

## Revenue Survey Department.

No. 48.

*Appointment.*—Ensign Gerald W. Martin, of the 88th Foot, a candidate for the Bengal Staff Corps, Probationary Assistant Superintendent, having reported himself at the Head-Quarters' Office in Calcutta on this date, is directed to join the 1st Division, Lower Provinces, at Nowgong, in Assam.

JOHN MACDONALD, Major,  
Offg. Supdt. of Revenue Surveys,  
CALCUTTA, Lower Circle.  
The 27th March 1871.

## Notice.

CAPTAIN M. O. BOYD, Assistant Commissioner, has been placed in charge of the Shillong Treasury, and is authorized to draw bills on other treasuries.

WM. AGNEW,  
Offg. Commr. of Assam.  
GOWHATTY,  
The 8th March 1871.

**STATEMENT** showing the quantity of Salt in store available for exportation on private trade at each of the several Ports of Export in the under-mentioned Districts:—

Name of District.	Ports at which Salt is generally available for export on private trade.	Quantity remaining in store actually available for export on 10th February 1871.	REMARKS.
		Indian Mds.	
Ganjam	Bavanapada, at the Nowsadah Salt Pan.	50,000	
Godavery	Cocanada	50,000	
Katua	Nizampatam	42,400	
Nelore	Isakapalli	55,056	
	Madras	97,480	
Chingleput	Eunore	1,79,646	
	Cavelong	...	
Tanjore	Negapatam	10,020	
	Kannavady	...	
Tinnevely	Tuticoria	1,16,161	
	Total	6,08,903	

N.B.—Salt for export will be supplied by Government at the rates specified in the Notifications, dated 21st March 1868 and 22nd April 1869, published at pages 737, *Fort St. George's Gazette*, dated 24th March 1868, and 637, dated 27th April 1869.

REVENUE BOARD OFFICE: }  
Madras, }  
The 6th March 1871.

PUBLISHED for general information.

By Order of the Board of Revenue, L.P.,  
F. B. PEACOCK,  
Offg. Junior Secretary.  
FORT WILLIAM,  
The March 1871.

## Opium Notification.

No. 126C.

Notice is hereby given that the Fourth Sale of Opium, the provision of 1869-70, will be held at the Government Opium Sale-room, No. 2, Bankshall Street, on Tuesday, the 4th April 1871, at 11 A.M., and will comprise 4,330 Chests, viz. :—

Behar Opium	...	2,665
Benares ..	...	1,665
Total Chests	...	4,330

2. The general Conditions of the Sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 31st October 1870, and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 10th (9th being Sunday) and 19th April, respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room, will be received after 4 P.M. of Monday, the 10th April 1871, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Wednesday, the 19th April 1871.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so:—

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Thursday, 4th May 1871	2,005	1,005	4,330
On or about Monday, 6th June ..	2,005	1,005	4,330
On or about Thursday, 6th July ..	2,005	1,005	4,330
On or about Friday, 4th Aug. ..	2,005	1,005	4,330
On or about Monday, 4th Sept. ..	2,005	1,005	4,330
On or about Monday, 2nd Oct. ..	2,005	1,005	4,330
On or about Thursday, 2nd Nov. ..	2,005	1,005	4,330
On or about Monday, 4th Dec. ..	2,005	1,005	4,330
Total	21,320	19,320	34,640

By order of the Board of Revenue, L. P.,  
F. B. PEACOCK,  
Offg. Junior Secretary.

FORT WILLIAM,  
The 28th February 1871.

## Notice.

CANDIDATES for the situation of Superintendent of Education in Cooch Behar are requested to forward their applications to the undersigned. Experience in education and thorough knowledge of Bengali are indispensable qualifications.

DENONATH MOOKERJEE,  
Persn. Asst. to Commissioner.  
COMMISSIONER'S OFFICE;  
Cooch Behar Division, Jalnigoree,  
The 10th March 1871.

**Opium Notification.**

No. 190C.

NOTICE is hereby given that the Fifth Sale of Opium, the provision of 1869-70, will be held at the Government Opium Sale Room, No. 2, Bankhall Street, on Thursday, the 4th May 1871, at 11 A.M., and will comprise 4,380 Chests, viz.:-

	Chests.
Behar Opium	2,665
Benares "	1,665
<b>Total</b>	<b>4,380</b>

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 31st October 1870, and published in the *Government and Exchange Gazette*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th May, respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Tuesday, the 9th May 1871, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Friday, the 19th May 1871.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so:-

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 5th June 1871	2,665	1,665	4,380
On or about Thursday, 6th July "	2,665	1,665	4,380
On or about Friday, 4th August "	2,665	1,665	4,380
On or about Monday, 4th Sept. "	2,665	1,665	4,380
On or about Monday, 2nd October "	2,665	1,665	4,380
On or about Thursday, 2nd Nov. "	2,665	1,665	4,380
On or about Monday, 4th Dec. "	2,665	1,665	4,380
<b>Total</b>	<b>18,655</b>	<b>11,665</b>	<b>30,310</b>

By Order of the Board of Revenue, L.P.,

F. B. PEACOCK,  
Offg. Junior Secretary.  
FORT WILLIAM,  
The 28th March 1871.

**Department Public Works.****NOTICE.**

THE Tidal Canals connecting the Roopnarin, the Huldee, and the Russulpore Rivers, in the Hidgelles District, will be reopened for traffic from the 5th proximo.

J. C. VERTANNES,  
Esq. Engr., Hidgelles Division.  
CONTAL,  
The 20th March 1871.

**Notice.**

No. 178C.

THE following has been added as clause 11 to the existing Rules for the delivery and shipment of Opium for export, published with the Board's Notification No. 3982C, dated 31st August 1870.

Rule 11—The presentation of any number of passes at one time by one person, that person being the *bona fide* owner of the Opium covered thereby, shall be treated as one requisition only, provided that the chests covered by such passes are removed from the godowns as simultaneously as possible.

By order of the Board of Revenue, L. P.,

F. B. PEACOCK,

Offg. Junior Secretary.

FORT WILLIAM,  
The 21st March 1871.

**Notice.**

TENDERS are required for constructing a Court-house at Cutwa by the 1st September next.

**SPECIFICATION.**

First class brick and lime mortar building, flat tile and terrace roof, stone flag floor, saul-wood doors and iron gratings.

Building 80' x 27' x 19' and 5' foundation.

Estimated cost under 7,000 Rupees.

Tenders will be opened on the 28th instant.

Earnest money Rs. 200. Security deposit 10 per cent. on the amount of contract.

G. RAYNER,

Exc. Engr., Grand Trunk Road,

BURDWAN,

Presy. Divn.

The 18th March 1871.

**Commissioners for making Improvements in the Port of Calcutta.****NOTICE.**

WITH reference to the Schedule (B) of tolls to be levied on goods landed or shipped at the Inland Vessels' Wharf between Ahereetollah and Juggurnanth Ghâts, and the Wharf between No. 6 Jetty and Colvin's Ghât, published in the *Calcutta Gazette* of the 21st December 1870 and 22nd February 1871, the Commissioners for making Improvements in the Port of Calcutta, with the sanction of the Lieutenant-Governor of Bengal, hereby give notice that the tonnage rate under the said Schedule will be increased 25 per cent., or from two annas to two annas six pie, on all goods landed or shipped at the afore-mentioned wharves on Sundays or the holidays sanctioned by the Commissioners, namely:-

New Year's day.

Good Friday.

Queen's Birthday.

Christmas day.

By order of the Commissioners,

WM. DUFF BRUCE,

Vice-Chairman.

## Commissioners for making Improvements in the Port of Calcutta.

## NOTICE.

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

THE following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the Owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act:—

Date of removal to Import Warehouse.	No., mark, and description.	Consignees.	Ships.
1871.			
Mar. 23rd ...	1 Sample, [H]	... G. Arbuthnot & Co. ...	City of Madras.
" 23rd ...	1 Sample, A M	... Lyall, Rennie & Co. ...	Ditto.
" 23rd ...	1 Sample, W D F	... Order	Ditto.
" 23rd ...	1 Sample, [27] W [M A]	... Williamson Brothers ...	Ditto.
" 23rd ...	1 Sample, Y	... Andrew, Yule & Co. ...	Ditto.
" 23rd ...	1 Sample, R R	... Lyall, Rennie & Co. ...	Ditto.
" 23rd ...	1 Sample, [M C]	... Findlay Muir & Co. ...	Ditto.
" 23rd ...	1 Sample, [C]	... Kerr Dodd	Ditto.
" 23rd ...	1 Sample, [T R] F	... Findlay Muir & Co. ...	Ditto.
" 22nd ...	186 Cases, J T C	... Order	Alexandra.
" 22nd ...	25 Cases, P. & Co.	... Payne & Co.	Ditto.
" 22nd ...	22 Cases, [H C]	... Order	Ditto.
" 22nd ...	20 Cases, [37] A. J. & Co.	... "	Ditto.
" 22nd ...	9 Cases, [M S M I]	... "	Ditto.
" 22nd ...	11 Cases, [78] L C J	... "	Ditto.
" 22nd ...	2 Cases, [D] N C	... Nobokissen Mitter	Ditto.
" 22nd ...	2 Cases, [39] L C J	... Order	Ditto.
" 22nd ...	3 Cases, [J T C]	... "	Ditto.
" 22nd ...	50 Cases, addressed	... Payne & Co.	Ditto.
" 22nd ...	20 Cases, [H C P]	... Order	Ditto.
" 22nd ...	100 Cases, [M S P]	... "	Ditto.
" 22nd ...	50 Cases, [S C M P]	... Mookerjee, Clarke & Co.	Ditto.
" 22nd ...	150 Cases, [S C D P]	... Order	Ditto.
" 22nd ...	20 Cases, [20] P. & Co.	... Payne & Co.	Ditto.
" 22nd ...	4 Cases, [J M. 2]	... Bathgate & Co.	Ditto.
" 22nd ...	2 Cases, [H C]	... Order	Ditto.
" 22nd ...	2 Cases, K M S, G	... "	Ditto.
" 22nd ...	9 Cases, L. S. & Co.	... "	Ditto.
" 23rd ...	2 Cases, [37] A. J. & Co.	... Anstruther	Ditto.
" 23rd ...	1 Case, addressed	... K. W. Denbehlim	Ditto.
" 23rd ...	2 Cases, [D] N C	... Nobokisto Mitter	Ditto.
" 23rd ...	2 Cases, J C G	... Order	Ditto.
" 23rd ...	9 Cases, [J T C]	... Janakey Nath Dutt	Ditto.
" 23rd ...	4 Cases, addressed	... Officer Commanding 1st Bengal Cavalry	Ditto.
" 23rd ...	4 Cases, [D B M H]	... Order	Ditto.
" 23rd ...	2 Cases, [61] A. B. & Co.	... "	Ditto.
" 23rd ...	5 Cases, [30] A. B. & Co.	... Abdool Rohoman	Ditto.
" 23rd ...	1 Sample, [J. A. & Co., E]	... James Anderson & Co.	Ditto.
" 23rd ...	9 Pack, [20] P. & Co.	... Payne & Co.	Ditto.
" 23rd ...	2 Cases, [78] L C J	... Aladeah Noordeen	Ditto.
" 23rd ...	3 Packages, [J M B]	... Bathgate & Co.	Ditto.
" 23rd ...	1 Case, [N P]	... Order	Ditto.
" 23rd ...	3 Cases, [37] A. J. & Co.	... Anstruther & Co.	Ditto.
" 23rd ...	3 Cases, [E D] A. B. & Co.	... Order	Ditto.
" 23rd ...	2 Cases, [78] L C J	... Aladeah Noordeen	Ditto.
" 23rd ...	1 Case, E G N	... Balmer Lawrie & Co.	Ditto.
" 23rd ...	1 Case, S. D. & Co.	... Shib Chunder Dutt	Ditto.
" 23rd ...	4 Cases, [D] N S	... Nobokissen Mitter	Ditto.
" 23rd ...	1 Keg, [B C K D P]	... Chartered Mortgage Bank of India	Ditto.
" 23rd ...	1 Case, addressed	... Captain Lang	Ditto.
" 23rd ...	1 Case, E G N	... Balmer Lawrie & Co.	Ditto.
" 23rd ...	3 Casks, no mark	... Order	Ditto.
" 23rd ...	1 Cask, J G G	... Order	Ditto.
" 23rd ...	2 Casks, [E D] A. B. & Co.	... Ditto	Ditto.
" 23rd ...	4 Casks, [J] T [C]	... Order	Ditto.
" 23rd ...	1 Cask, [J T C]	... "	Ditto.
" 23rd ...	1 Cask, G. D. M. & Co.	... "	Ditto.



Date of removal  
to Import  
Warehouse.

No., mark, and description

Consignees.

Ships.

1871.

Mar. 23rd	7 Casks, [J T C]	... Order	Alexandra.
" 23rd	5 Cases, [37] A. J. & Co.	... "	Ditto.
" 23rd	1 Roll, [J M B]	... Bathgate & Co.	Ditto.
" 23rd	1 Cask, [J C G]	... Order	Ditto.
" 23rd	40 Kegs, [M] H	...	Ditto.
" 23rd	12 Crates, [20] P. & Co.	... Nilmoney Dhur	Ditto.
" 23rd	1 Sample, [B]	... Jardine, Skinner	Arco.
" 20th	16 Bundles, R D M	... Order	City of Perth.
" 21st	30 Coils Rope, [G. C. M. & Co]	...	Ditto.
" 21st	17 Coils Rope	...	Ditto.
" 22nd	16 Casks, [S G M P]	... Order	Ditto.
" 22nd	5 Coils wire rope, [G C M]	... Grish Chunder Roy	Ditto.
" 22nd	4 Casks, [W R D P]	... W. M. Reid	Ditto.
" 22nd	1 Case, [C]	... T. E. Thomson & Co.	Ditto.
" 22nd	1 Cask, R D M	... Order	Ditto.
" 22nd	4 Casks, [S C M P]	... Order	Ditto.
" 27th	2 Crates, R D M	... Order	Ditto.
" 23rd	61 Bales, [R] R R	... Ram Chunder Dass	Stephenson.
" 23rd	48 Cases, T A B R	... Turner, Morrison	Ditto.
" 23rd	15 Cases, [27] W D	... Order	Ditto.
" 23rd	1 Bale	...	Ditto.
" 23rd	2 Bales, T A B R	... Turner, Morrison	Ditto.
" 24th	2 Cases, K G L	... Order	Ditto.
" 24th	14 Cases, T P	... Turner, Morrison	Ditto.
" 24th	1 Case, K M N	... Hamilton & Co.	Ditto.
" 24th	8 Cases, [F. R. & Co.]	... F. Ramsay & Co.	Ditto.
" 24th	2 Cases, [A R C] A B	... Order	Ditto.
" 24th	2 Cases, [D A M] A. B. & Co.	... Order	Ditto.
" 24th	45 Cases, [118] B. B. & Co.	... Bergoyne & Co.	Ditto.
" 24th	2 Cases, [H. & Co.]	... Hamilton & Co.	Ditto.
" 24th	5 Cases, [D P] C F	... Nobin C. Dutt	Ditto.
" 24th	3 Cases, [N H C]	... Order	Ditto.
" 24th	3 Cases, [J H C]	... Brojo Nath Dass	Ditto.
" 24th	1 Case, [A R C]	... Order	Ditto.
" 24th	1 Case, [D] E S	...	Ditto.
" 24th	1 Case, [W]	... Jameson & Co.	Ditto.
" 24th	1 Case, [28] L C J	... Llewelyn & Co.	Ditto.
" 24th	1 Case, [92] L C J	...	Ditto.
" 24th	5 Cases, [W J S]	... Order	Ditto.
" 24th	3 Cases, [1] B. D & Co.	...	Ditto.
" 24th	3 Casks, [118] B. B. & Co.	... Bergoyne & Co.	Ditto.
" 24th	7 Cases, addressed	... Muspiatty & Co.	Ditto.
" 24th	2 Cases, addressed	... Secy. Murree Club	Ditto.
" 24th	1 Case, [28] L C J	...	Ditto.
" 24th	1 Case, B L H	... Order	Ditto.
" 24th	5 Cases, addressed	... Colonel Hildbrand	Ditto.
" 24th	1 Case	... A. Bainbridge	Ditto.
" 24th	1 Case, J A	... Order	Ditto.
" 24th	1 Case, T P	... Turner, Morrison	Ditto.
" 24th	2 Sample, T A B R	... Ditto	Ditto.
" 24th	1 Sample, addressed	... Petrocheno Brothers	Ditto.
" 24th	1 Sample, [H B] B A S, G. H. & Co.	... Borneo & Co.	Ditto.
" 24th	2 Samples, [S K M]	... S. Kilburn	Ditto.
" 24th	1 Sample, [G] I R	... G. Arbuthnot & Co.	Ditto.
" 24th	1 Sample, T A B R	... Turner, Morrison	Ditto.
" 24th	1 Sample, [R] R R R	... Ram Chunder Dass	Ditto.
" 24th	1 Sample, D S	...	Ditto.
" 24th	1 Sample, addressed	... Ralli Mavorajani	Ditto.
" 24th	40 Cases, [G] I R	... G. Arbuthnot & Co.	Ditto.
" 24th	5 Bales, [R] R R	... Ram Chunder Dass	Ditto.
" 24th	1 Case, [E. B. & Co.]	... F. Ramsay & Co.	Ditto.
" 24th	1 Bale, [R] G M	... Order	Ditto.
" 24th	2 Samples, [S K M]	... S. Kilburn & Co.	Ditto.

CALCUTTA,  
The 27th March 1871.

WM. DUFF BRUCE, Vice-Chairman.

## COMMISSIONERS FOR MAKING IMPROVEMENTS IN THE PORT OF CALCUTTA.

## NOTICE.

The Commissioners for making improvements in the Port of Calcutta hereby give notice that the following revised scale of charges will be levied on all goods landed at the Jetties on and after the 1st of April 1871 :—

## SCHEDULE A.

*Revised scale of charges and rent to be paid by owners, importers, or consignees, for goods landed at the jetties, and for their removal, when not cleared within forty-eight hours, to Custom house or Commissioners' import warehouse.*

No.	Description	Landing charges at the jetties.	For removal of goods not claimed within 48 hours to the custom house or import warehouse.	Rent per month to be charged at the import warehouse, at wharf and at jetty sheds on all goods not claimed within 48 hours.
		Rs. As. P.	Rs. As. P.	Rs. As. P.
1	Acids	Double measurement rates.		
2	Alum	0 1 0	0 0 6	0 4 0
3	Arsenic, in boxes or kegs	0 4 0	0 2 0	0 6 0
4	Beads, in cases	Double measurement rates.		
5	Beer and porter, in barrels	0 0 2	0 0 1	0 1 0
6	" bottled	0 3 0	0 1 6	1 0 0
7	Bottle-nuts	0 1 6	0 0 6	0 2 0
8	Biscuits, in cases or casks	Measurement rates.		
9	Boots and shoes, in cases	ditto	ditto.	
10	Bottles, empty, in crates over 12 dozens	0 10 0	0 5 0	2 8 0
11	" below 12	0 8 0	0 4 0	2 0 0
12	Brass of sorts	0 3 0	0 1 6	0 6 0
13	Brimstone or sulphur	0 4 0	0 2 0	2 6 0
14	Camphor	0 4 0	0 2 0	0 6 0
15	Candles	0 1 0	0 0 6	0 2 0
16	Canvases, in bales	0 8 0	0 4 0	1 0 0
17	Cerulaniums	0 4 0	0 2 0	0 8 0
18	Castor seeds	0 1 0	0 0 6	0 2 0
19	Cement, in casks	0 4 0	0 2 0	0 8 0
20	Chalk	0 1 0	0 0 6	0 2 0
21	China preserves	0 2 0	0 1 0	0 8 0
22	" roots, in bags	0 1 6	0 0 9	0 4 0
23	Cinnamon or cassia	0 3 0	0 1 6	0 6 0
24	Cloves, in bags	0 3 0	0 1 6	0 6 0
25	Coffee	0 3 0	0 1 6	0 6 0
26	Coir matting	0 2 0	0 1 0	0 4 0
27	" yarn	0 1 6	0 0 9	0 3 0
28	Coprah or cocoanut kernels	0 1 0	0 0 6	0 3 0
29	Copper of all descriptions	0 3 0	0 1 6	0 6 0
30	Copperas, in barrels	0 4 0	0 2 0	0 8 0
31	Cordage	0 3 0	0 1 6	0 6 0
32	Corks	Measurement rates.		
33	Cotton, in bales	0 2 0	0 1 0	0 6 0
34	Cutch or gambier	0 2 0	0 1 0	0 4 0
35	Damier or resin, in casks	0 1 6	0 0 9	0 6 0
36	Drugs	Measurement rates.		
37	Earthenware	ditto	ditto.	
38	Felt	ditto	ditto.	
39	Fire bricks	2 0 0	1 8 0	4 0 0
40	Fire clay	0 1 6	0 0 9	0 3 0
41	Flour, in barrels	0 4 0	0 2 0	1 0 0
42	" in bags	0 2 0	0 1 0	0 4 0
43	Glass-ware	Measurement rates.		
44	" window	0 2 0	0 1 0	0 4 0
45	Gold, bar, leaf, &c.	1 0 0	0 8 0	...
46	Hams, in canvas	0 1 0	0 0 6	0 2 0
47	" in cases	Measurement rates.		
48	Hard-ware, &c.	ditto	ditto.	
49	Hats, &c.	ditto	ditto.	
50	Hides, buffalo or cow, cured	1 0 0	0 8 0	2 0 0
51	Horses	2 0 0	...	...
52	India rubber	0 1 6	0 1 0	0 4 0
53	Instruments—philosophical, musical, surgical, mathematical, &c.	Measurement rates.		
54	Iron, in plates, bar, rod, hoop, pig, angle, nail, rails, sleepers, &c.	0 1 8	0 0 9	0 3 0
55	Iron galvanized	0 2 0	0 1 0	0 4 0
56	" girders, columns, railings, bridge work, tanks, &c.	0 2 0	0 2 0	0 8 0
57	Jewellery	1 0 0	0 8 0	...
58	Lametta	Measurement rates.		
59	Lead, in rolls, ingots, shot, &c.	0 2 0	0 1 0	0 4 0
60	Leather	Measurement rates.		
61	Machinery, if in pieces or cases, over two ton per cwt.	0 3 0	0 1 6	0 6 0
62	" under two ton	0 1 6	0 0 9	0 3 0
63	Marble in slabs	4 0 0	3 0 0	4 0 0
64	Matches	Double measurement rates.		
65	Machines in cases	Measurement rates.		
66	Mitinery and haberdashery	ditto	ditto.	
67	Nails, in kegs	0 2 0	0 1 0	0 4 0
68	Oil, kerosine, in cases of two tins	0 2 6	0 2 0	1 0 0
69	" Linseed and other vegetable oils in drums p. imp. gallon	0 0 4	0 0 2	0 2 0
70	" Linseed and other vegetable oils in casks p. imp. gallon	0 0 3	0 0 2	0 2 0
71	Oilman's stores	Measurement rates.		
72	Paints, in kegs of 28 or 56 lbs.	0 4 0	0 2 0	0 4 0
73	" in casks	0 3 0	0 1 6	0 6 0

No.	Description.	Landing charges at the jetties.	For removal of goods not claimed within 48 hours to the custom-house or import warehouse.		Rent per month to be charged at the import warehouse, at wharf and at jetty sheds on all goods not claimed within 48 hours.	
			Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.
74	Pepper, in bags	per cwt.	0 1 0	0 0 0	0 2 0	0 2 0
75	Piece goods, in bags and cases	per package	0 8 0	0 8 0	2 0 0	2 0 0
76	Pitch and tar, in barrels	per barrel	0 4 0	0 2 0	2 0 0	2 0 0
77	" in hogheads	per bhd	0 8 0	0 4 0	1 0 0	1 0 0
78	Provisions, (salt) in casks	per cask	0 12 0	0 6 0	3 0 0	3 0 0
79	Pumice stones	per cwt.	0 4 0	0 2 0	1 0 0	1 0 0
80	Quicksilver	per cwt.	0 4 0	0 2 0	0 8 0	0 8 0
81	Quinine	per cwt.	Measurement rates.	0 1 0	0 0 0	0 4 0
82	Flattens	per cwt.	Measurement rates.	0 0 0	0 0 0	0 0 0
83	Rice bowls, in casks	per cask	Ditto	Ditto	Ditto	Ditto
84	Saddlery	per parcel	Ditto	Ditto	Ditto	Ditto
85	Sago	per parcel	0 1 0	0 0 0	0 2 0	0 2 0
86	Samples	per cwt.	Measurement rates.	0 2 0	0 1 0	0 4 0
87	" in cases	per cwt.	0 2 0	0 1 0	0 4 0	0 4 0
88	Sarsaparilla	per case	0 8 0	0 4 0	4 0 0	4 0 0
89	Segars, in cases of ten thousand	per bundle	0 2 0	0 1 0	0 8 0	0 8 0
90	Shovels, in bundles	per box	1 0 0	0 8 0	4 0 0	4 0 0
91	Silver	per ton	4 0 0	2 0 0	4 0 0	4 0 0
92	Slates	per cwt.	Measurement rates.	0 1 0	0 4 0	0 4 0
93	Soda, in cases or casks	per cwt.	0 1 0	0 1 0	0 2 0	0 2 0
94	Solder and solder	per imp. gallon	0 0 3	0 0 2	0 8 0	0 8 0
95	Spirits in wood	per doz. qts.	0 1 0	0 1 0	0 8 0	0 8 0
96	" bottled	per doz. qts.	Measurement rates.	0 2 0	0 1 0	0 4 0
97	Stationery, paper, books, cards, &c.	per cwt.	0 2 0	0 1 0	0 4 0	0 4 0
98	Steel	per chest	0 3 0	0 2 0	0 8 0	0 8 0
99	Tea, in chests, large	per chest	0 1 0	0 0 6	0 4 0	0 4 0
100	" small	per chest	0 1 0	0 0 6	0 4 0	0 4 0
101	Timber	per ton of 40 cubic feet	2 0 0	1 0 0	4 0 0	4 0 0
102	Tin, plates, in boxes	per box	0 2 0	0 1 0	0 4 0	0 4 0
103	" block	per cwt.	0 3 0	0 2 0	0 8 0	0 8 0
104	Tobacco, in cases per case not exceeding 5 cubic feet	per case	0 4 0	0 2 0	1 8 0	1 8 0
105	Turpentine, in drums or tins	per imp. gallon	0 0 4	0 0 2	0 2 0	0 2 0
106	" in large casks	per cwt.	0 0 3	0 0 2	0 2 0	0 2 0
107	Twine	per bale	0 8 0	0 4 0	1 0 0	1 0 0
108	Twist and Yarn of sorts, in bales	per bale	0 6 0	0 3 0	2 0 0	2 0 0
109	Vermilion	per box	0 4 0	0 2 0	0 8 0	0 8 0
110	Whiting	per cwt.	0 1 0	0 0 6	0 2 0	0 2 0
111	Wines, liquors, &c.	per cwt.	See Spirits.	0 1 0	0 4 0	0 4 0
112	Wire, galvanized, telegraph, &c.	per cwt.	0 2 0	0 1 0	0 4 0	0 4 0
113	Wood, red and sapan	per cwt.	0 2 0	0 1 0	0 4 0	0 4 0
114	" Sandal	per cwt.	0 4 0	0 2 0	0 8 0	0 8 0
<b>Charges by measurement.</b>						
On all goods not enumerated, if in cases, bales, crates or casks, and on all goods specified to be charged for by measurement, the rates will be—						
116	If under 3 cubic feet	per cwt.	0 2 0	0 1 0	0 10 0	0 10 0
117	" over 3 cubic feet and under 5 cubic feet	per cwt.	0 4 0	0 2 0	1 8 0	1 8 0
118	Do. 5 do. 10 do.	per cwt.	0 6 0	0 3 0	2 0 0	2 0 0
119	Do. 10 do. 15 do.	per cwt.	0 8 0	0 4 0	2 8 0	2 8 0
120	Do. 15 do. 20 do.	per cwt.	0 10 0	0 5 0	3 8 0	3 8 0
121	Do. 20 do. 30 do.	per cwt.	1 0 0	0 8 0	5 0 0	5 0 0
122	Do. 30 do. 40 do.	per cwt.	1 8 0	0 12 0	8 0 0	8 0 0
123	Do. 40 do. 60 do.	per cwt.	2 0 0	1 0 0	12 0 0	12 0 0
124	Do. 60 do.	per cwt.	5 0 0	2 8 0	30 0 0	30 0 0
<b>Charges by weight.</b>						
125	On all goods not enumerated chargeable by weight, the rate will be	per cwt.	0 1 0	0 0 0	0 3 0	0 3 0

1. Consignees must provide coolies for loading carts.
2. The rate for unloading into boats will be one-third of the landing charges. No cargo will be allowed to be put into boats if it is to be landed on the Calcutta bank of the river between Chitpore Canal and Tolly's Nullah. For rails and iron sleepers, the charge will be one-sixth of the landing charges; but vessels discharging into boats under this rule may, after 24 hours' notice in writing, be required to haul out to moorings in the stream if the Commissioners require the jetty. Any vessel remaining at the jetty after the expiration of the 24 hours will be charged Rs. 50 per day for every day or part of a day she may continue to occupy such jetty.
3. Every ship unloading at the jetties will be charged Rs. 10 per diem, if moored at a single crane, and Rs. 20 per diem if moored at a double crane jetty.
4. No charge for wharf rent will be made until the third day after landing; e.g., goods landed on Monday will be liable to wharf rent if removed before Wednesday evening.
5. Damaged goods for which a claim is brought against the ship, will not be charged wharf rent until the fourth day after landing, provided notice of survey is given to the jetty superintendent within 48 hours after the goods have been received from the ship.

BY ORDER OF THE COMMISSIONERS,

W. DUFF BRUCE,  
Vice-chairman.

## NOTICE.

The following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

Date of Sale.		Mark or Address of Packages.	Ships.
1871, April	8th ...	2 Parcels, W D F, D. Dutt and Nephew	... City of Lucknow.
"	8th ...	1 Parcel, H G W C, Watson, Green, and Hart	... Ditto.
"	8th ...	1 Parcel, [M C] Findlay, Muir and Co.	... Ditto.
"	8th ...	2 Cases, [H] F	... Ditto.
"	8th ...	2 Cases, D. S. and Co.	... Dover Castle.
"	8th ...	2 Umbrellas, no mark	... China.
"	15th ...	1 Case, E. Dalgleish, Calcutta	... Str. Hindoostan.
"	15th ...	1 Case, M V	... Ditto.
"	15th ...	1 Bag, H J M	... Ditto.
"	15th ...	1 Case, [55] M. J. M. and Co.	... Str. Deccan.
"	15th ...	2 Cases, [D] B S	... Ditto.
"	15th ...	1 Case, L. S. and Co.	... Ditto.
"	15th ...	1 Bag, Fabriche	... Ditto.
"	22nd ...	1 Box, [A G C]	... City of Venice.
"	22nd ...	1 Parcel, G M, G. Wylie and Co.	... Ditto.
"	22nd ...	1 Parcel, [27] [M A] [T V] Williamson Brothers and Co.	... Ditto.
"	22nd ...	1 Parcel, W D F, D. Dutt and Nephews	... Ditto.
"	22nd ...	1 Parcel, Y, Andrew Yule and Co.	... Ditto.
"	22nd ...	1 Parcel, [M C] Findlay, Muir and Co.	... Ditto.
"	22nd ...	1 Package, G S C, C B	... Persian Empire.
"	22nd ...	1 Keg, no mark, supposed to be S. W. and Co.	... Ditto.

CALCUTTA CUSTOMS,  
The 28th March 1871.

J. A. CRAWFORD, *Collector of Customs.*

## NOTICE.

The following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be sold for the realization of duty, wharfage, and other charges, under Section 56 of Act VI. of 1863:—

Date of Sale.			
1871, May	9th ...	1 Bundle or Package, M and M	... Indian Empire.
"	9th ...	{ 1 Keg ... } [G. C. M. and Co.]	... Ditto.
"	9th ...	{ 1 Drum ... }	...
May	23rd ...	2 Cases, D. S. and Co.	... Dover Castle.
"	23rd ...	4 Packages, [D R] N K C, G D C	... Ditto.
June	7th ...	1 Case, [R. W. and Co.]	... Persian Empire.
"	7th ...	5 Packages, [F. R. and Co.]	... Ditto.
"	7th ...	1 Case, [J S] C B	... Ditto.
"	7th ...	2 Kegs, S. W. and Co.	... Ditto.

CALCUTTA CUSTOMS,  
The 28th March 1871.

J. A. CRAWFORD, *Collector of Customs.*



# RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT DURING THE WEEK ENDING 25TH MARCH 1871.

Number of Seers of 80 Toibah weight retailed for a rupee.

A7	Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			RICE IN ORDINARY USE.			WHEAT		ATTAR.		JANERA LOWAR AND SEON GRAIN.	
		Dearest sort.	Average rate of the three or four preceding years.	Present price.	Dearest sort.	Average rate of the three or four preceding years.	Present price.	Average rate of the three or four preceding years.	Present price of cheapest kind.	Average rate of the three or four preceding years.	Present price of cheapest kind.	Average rate of the three or four preceding years.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same.													
Monghyr	18th Mar. 1871	18	14½	27	14	12	28	12	27	9	21	22½	31
Patna	10th "	28	24	29	15	23½	23	21½	27	11½	13	34½	35
Nya-Doomka	20th "	28	22	30	16	14	20	11	16	8	12	24	65
Rajmahal	20th "	19	26	30	12	17½	24	18½	32	13½	18	38½	40
Deoghur	20th "	•	•	20	•	•	20	•	14	•	15	•	40
Howrah	20th "	13	20	19	14	19	16	17	15	11	9	•	•
Chittagong	20th "	16	22	21	6½	13	14	10½	11	10	10	•	•
Tipperah	18th "	22	29	26½	7½	17	16	10½	15	5½	7½	•	•
Buldoah	20th "	19	22½	21	8	18½	15	•	•	5	5	•	•
Backergunge	20th "	14	22½	24	12	16½	12	•	13	6½	7	•	•
Farraupore	18th "	14	20½	23	20	23½	24	21½	18	8	7	•	•
Mymensingh	20th "	18	27	22½	8	16½	16	12	18	7	7½	•	•
Sylhet	17th "	17	37½	22½	13	18½	18	10½	16	7½	9	•	•
Cachar	20th "	16	24½	19	14½	11½	16	9½	13½	5½	6½	•	•
Cuttack	20th "	17	22	31	16	18	26	7½	12	7	10	•	•
Balasore	20th "	16	24	34	10½	17	21	9	16	7	11	•	•
Pooree	20th "	27½	30½	31½	19½	16½	21	11½	10½	7½	7½	•	•
Jessore	20th "	20	22½	25½	12½	19½	20½	15½	16	8½	10	•	•
24-Pergunnahs	20th "	17½	20	21½	10½	16	25	14	19	9	10½	•	•
Saran	19th "	16	16½	22	25	19	35	17½	20½	13½	15	31½	23½
Tirhoot	18th "	20	19	23	20	18	21	19	21	14	16	35	33
Bograh	20th "	20	25	33½	8	15½	11	19	15½	8	8	•	•
Dinagopore	19th "	29½	29½	35	10	13½	19½	13½	17½	10½	12½	•	•
Maldah	20th "	28	22½	29	14	25	40	14	28	11	21	•	•
Pubna	20th "	18½	24	28	8	32	37½	19½	20	10½	10	•	•
Rangpore	20th "	16½	36½	25½	6½	18½	16½	22½	14	9½	8	•	•
Singbhoom	20th "	20	33	36	16	28	32	15	18	10	10	•	•
Durrang	18th "	6	21	21	8	12	12	•	8½	4	6	•	•
Kamroop	20th "	10	20	20	13	13	18	13	20	6	6	•	•
Luckhimpore	18th "	6	12½	13	6	9	8	8½	10	4½	7½	•	•
Nowgong	20th "	10	18	16	10	25	20	•	•	4	5½	•	•
Seebaugor	10th "	5	16	16	7	7	10	12	10	5	5	•	•

## Districts in which all or most articles are cheaper.

Bhaugulpore	19th Mar. 1871	25½	31½	30½	26½	47½	30½	27½	21	20½	20½	50½	37
Beerbhoom	18th "	24	25½	33½	5	18	24	17	17	11½	13	37	32
Hooghly	20th "	18	18½	20	12	19	25	12½	20	9	12	15½	18
Dacca	20th "	22	25½	23	14	21½	16	14	13	7½	8	•	•
Nudda	13th "	19½	24½	22½	14½	37½	40½	24½	21½	12½	11½	•	•
Rajshahye	17th "	18	26½	27½	16½	24	26½	20½	22½	12	13½	•	•
Loharduggah	18th "	10	23½	27	8	18½	14	14½	14	9	9½	50	32
Hazareebagh	18th "	12	26	25	12	15	21	20	21	16	13	35	30

## Districts in which all or most articles are dearer.

Burdwan	18th Mar. 1871	24½	28	26½	13	21½	25	14½	18	8½	12	•	•
Shahabad	20th "	12	20	23	20	21	25	18	22	14	18	24	32
Gowalparah	20th "	13	14	16	13	15	16	30	30	8	8	40	40

## Districts in which some articles are dearer and some cheaper.

Bancoorah	18th Mar. 1871	25	28	27	15½	17½	20½	16½	20	11½	13½	36	35
Midnapore	18th "	24	24	26	11	17	16	10	10	10	7	•	•
Patna	18th "	22½	21½	24½	17	27½	32	16½	23	15	•	31½	32
Gya	20th "	22	23½	24½	27½	28	29½	20½	24	16½	17½	32½	34½
Chumpann	18th "	22	20	23	15	16	16	20	23	15	16	22	26
Moorshedabad	20th "	31	34	36	10	30	32	19	24	15	16	15	•
Maunbhoom	17th "	31	30	32	15	24	19	16	16	12	11	•	•
Darjeeling	20th "	7	12	17	6	7	8	5½	5½	6½	6	20	26

• Information not supplied.

PUBLISHED for general information.

R. H. WILSON,

Offg. Under-Secy. to the Govt. of Bengal.

FORT WILLIAM,  
The 28th March 1871.

**Notice.****SALE OF WASTE LANDS.**

NOTICE is hereby given that a lot of waste land, estimated to consist of about 264 acres, more or less, situated in Mouzah Rungamattee, Zillah Seebagur, and bounded as shewn at foot of this notice, having been applied for under the "Rules for the sale of unassessed waste lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two rupees eight annas per acre, on the 2nd April 1871, at the office of the Deputy Commissioner of Seebagur, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863:—

**BOUNDARIES OF LOT.**

South—Gur Allee from entrance of Badalapar factory road to a point 720 yards eastward along the Allee.

West—Badalapar factory road from Gur Allee to Gella Beel.

North—A line parallel to southern boundary from Gella Beel to a point 720 yards eastwards.

East—A line parallel to western boundary from eastern point given on south boundary meeting the eastern point on north boundary.

A. E. CAMPBELL,

*Deputy Commissioner.*

ZH. SEEBAGUR, DEPT. COMM.'S OFFICE,  
The 14th January 1871.

**Notice.****SALE OF WASTE LANDS.**

NOTICE is hereby given that a lot of waste land, estimated to consist of about 300 acres, more or less, situated in Mouzah Obhoypoor, Zillah Seebagur, and bounded as shewn at foot of this notice, having been applied for under the "Rules for the sale of unassessed waste lands in the Lower Provinces of Bengal," will be put up to sale by auction to the highest bidder, above the upset price of two rupees and eight annas per acre, on the 3rd July 1871, at the Office of the Deputy Commissioner of Seebagur, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner, and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863:—

**BOUNDARIES OF LOT.**

North.—Dhodur Allee and Pathar land.

South.—Jungle.

East.—Sonaree Grant.

West.—Naphook Nuddy.

A. E. CAMPBELL,

*Deputy Commissioner.*

ZH. SEEBAGUR, DEPT. COMM.'S OFFICE,  
The 1st March 1871.

**Notice.**

Two good rooms available for Office accommodation at the Office of the Commissioner of the Presidency Division, No. 3, Theatre Road. Rent, Rupees 65 a month. (13—f. s.)

**Notice**

Is hereby given that the undermentioned lots of waste lands, estimated to consist of about 590 acres, more or less, situated in Tukvar, Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed waste lands in the Lower Province of Bengal," will be put up to sale by auction to the highest bidder above the upset price of two rupees and eight annas per acre, on the 2nd day of June 1871, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII. of 1863:—

**BOUNDARIES.**

On the North by the small Rungeet and big Rungeet Rivers;

On the South by the Rungnoo River;

On the West by the Rungnoo River and the land the property of the Tukvar Company, Limited; and

On the East by the land of the said Tukvar Company, Limited.

B. W. D. MORTON,

*Deputy Commissioner.*

DARJEELING,

The 24th February 1871.

**Nuddes Rivers.**

Weekly Water Report showing the least depth of water in the Bhagirattee River for the Week ending Friday, March 24th, 1871.

Names of Places, &c.	Least depth of Water.	REMARKS.
	Ft. In.	
On the Entrance Bar ...	13 0	
From thence to Jungipore, 9 miles ...	4 0	
From Jungipore to Berhampore, 47 miles ...	3 0	
From Berhampore to Cutwa, 60 miles ...	2 9	Boats drawing 3 feet can pass easily.
From Cutwa to Nuddes, 46 miles ...	3 0	

Height of water on Gauge at Berhampore, on the 27th March 1871, above zero 3 feet 1 inch.

T. H. WICKES, C.E.,

*Exec. Engr., Nuddes (Local) Rivers' Divn.*

BERHAMPORE,

The 27th March 1871.

**Notice.**

MR. R. C. NOBLE, the surviving Member of the late Firm of Messrs. Mackillop, Stewart and Co., has been admitted a Partner in our Firm as from the 1st day of January last.

JOHN ELLIOTT & Co.

CALCUTTA,

The 27th March 1871.

(725—1)



**Bank of Bengal.**

NOTICE is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on the following days:—On Good Friday, the 7th, and Saturday, the 8th proximo. On Wednesday, the 12th proximo, on account of the Hindoo festival Choit Sankranti, in conformity with Government Notification No. 3464 of the 29th October 1867.

By order of the Directors,

R. HARDIE,

*Depy. Secretary and Treasurer.*

BANK OF BENGL. CALCUTTA,  
The 25th March 1871.

(726—1)

Estate of Mohendronauth Mullick,  
late of Rutoo Sircar's Garden  
Street, Calcutta, deceased.

LETTERS OF ADMINISTRATION as in the case of intestacy) of the estate and effects of the deceased above named has been this day granted by the High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Sreemutty Kadumbeeny Dossee, of Rutoo Sircar's Garden Street, Calcutta, widow of the deceased above named.

TROTMAN, CHATTERJEE & WATKINS,

*Proctors.*

CALCUTTA,

The 22nd March 1871.

(723—1)

**Court for the Relief of Insolvent Debtors at Calcutta.**

In the matter of } On Monday, the 27th  
Anthony Thomas, an } day of February last,  
Insolvent. } it was ordered that the  
matters of the petition of the said Insolvent be  
heard on Saturday, the 6th day of May next, and  
that the said Insolvent do then attend to be  
examined before the said Court.

Rogers and Remfry, *Attorneys.*

In the matter of Brijoo } On Tuesday, the 21st  
laul Kurr, an Insolvent. } day of March instant,  
it was ordered that the matters of the petition of  
the said Insolvent be heard on Saturday, the 6th  
day of May next, and that the said Insolvent do  
then attend to be examined before the said Court.

M. M. Zorah, *Attorney.*

Chief Clerk's Office, the 21st day of March 1871.

In the matter of Kis- } On Saturday, the  
senpersaud, otherwise } 18th day of March in-  
called Dalabund, an } stant, it was ordered  
Insolvent. } that the petition of the  
said Insolvent seeking for relief under the Act  
XI. Vic., cap. 21, be dismissed.

G. Gregory, *Attorney.*

In the matter of George } On Tuesday, the 21st  
Bernard Martin, an In- } day of March instant,  
solvent. } it was ordered that the  
matters of the petition of the said Insolvent be  
heard on Saturday, the 6th day of May next,  
and that the said Insolvent do then attend to be  
examined before the said Court.

Insolvent in person.

Chief Clerk's Office, the 28th March 1871.

**Dehra Dhoon Tea Company "Limited."**

NOTICE is hereby given that an Ordinary General Meeting of the Shareholders of the above-named Company will be held at the registered Office of the Company, No. 184, Canning Street, Calcutta, on Friday, the 21st day of April next, at 4 p.m., to take such proceedings as could have been taken at the Ordinary Half-yearly Meeting called for the 28th day of February last, and ultimately adjourned *sine die* for want of a quorum, and among other things to elect Directors.

And notice is hereby further given that the Meeting will be afterwards made special or extraordinary for the purpose of passing resolutions for altering and adding to the articles of Association of the Company in respect of the following matters:—

*First.*—That the registered Office of this Company shall be at Dehra Dhoon, or at such other place as the Directors may from time to time appoint.

*Second.*—That the Directors shall have power to appoint a Calcutta agent for the sale of tea (the production of the plantations), the purchase and despatch of stores to and from Calcutta, the payment of dividends to Shareholders, the registering of transfer of shares, and such other business as may be necessary.

*Third.*—That having regard to the 9th article of Association of this Company, as to the borrowing powers of the Directors, and the effect of the resolutions in respect of the same powers passed at the Extraordinary General Meeting of the Shareholders held on the 27th day of February 1867, and confirmed on the 26th day of March, and any action that may have been taken thereunder, the Directors shall now have power to carry out the resolutions passed at the Extraordinary General Meeting of the Shareholders of the Company held on the 28th day of January last, in respect of granting debentures to the Shareholders or the purchasers of the mortgage debt there referred to.

By order of the Directors,

T. E. CARTER,

*Secretary.*

CALCUTTA,  
The 14th March 1871.

(713—5)

**Bridgeman Tea Company. "Limited."**

THE Annual General Meeting of the Shareholders will be held at the registered Office of the Company, No. 27, Dalhousie Square, on Thursday, the 18th April, at 3 p.m., for the purpose of receiving the Directors' report, passing the accounts to December 31st, 1870, and transacting other business.

ANSTUTHER & Co.,

*Agents.*

CALCUTTA,  
The 28th March 1871.

(729—f.n.)

**C. W. Carr & Co.****NOTICE.**

MR. WILLIAM LUCAS was admitted a partner in our firm on October 1st, 1870, *vice* Mr. William Carr, whose interest ceases from date.

C. W. CARR.

W. G. CARR.

W. Lucas.

March 18th, 1871.

(720—2)



### The Eastern Cachar Tea Company, "Limited."

*At a Meeting of the Shareholders of the Eastern Cachar Tea Company, "Limited," held at the Office, No. 5, Garstin's Place, on Saturday, the 25th of March 1871.*

#### PRESENT.

J. A. CRAWFORD, Esq., *Chairman.*  
N. MACMICHAE, Esq.; W. P. DUFF, Esq.;  
J. P. THOMAS, Esq.; JAMES YOUNG, Esq.; W.  
SMITH, Esq.; A. R. MCINTOSH, Esq.; J. WATSON,  
Esq., by his Attorney W. P. DUFF, Esq.  
H. ROBERTS, Esq., OCTAVIUS STEEL, Esq., JOHN  
STEEL, Esq., R. H. STEEL, Esq., J. C. MARILLIER,  
Esq., by their Attorney A. R. MCINTOSH, Esq.

MR. CRAWFORD, having been called to the chair,  
the advertisement convening the Meeting was  
read.

The reports and accounts for the last year,  
which had been printed and circulated among the  
Shareholders, were then submitted to the Meeting,  
and being held as read—

It was proposed by Mr. James Young, seconded  
by Mr. J. P. Thomas, and carried—

"That the Directors' report and the accounts  
for the year ending 31st January last, which have  
been printed and circulated among the Shareholders,  
be adopted and approved as correct."

It was proposed by Mr. W. P. Duff, seconded  
by Mr. William Smith, and carried—

"That the divisible surplus of Rs. 16,303-14-4  
be appropriated as recommended by the Directors  
in their report, and that a dividend of 4 per cent.  
be declared payable on and after the 1st proximo,  
making with the *ad interim* dividend declared by  
the Directors on the 22nd September last 8 per  
cent. per annum.

It was proposed by Mr. J. P. Thomas, seconded  
by Mr. Crawford, and carried—

"That the following gentlemen be elected  
Directors for the current year:—

N. Macmichael, Esq. | J. Macpherson, Esq.  
James Young, Esq. | W. P. Duff, Esq.

It was proposed by Mr. J. A. Crawford,  
seconded by Mr. A. R. McIntosh, and carried—

"That the Directors be empowered to declare  
an *ad interim* dividend as soon as such may be found  
to be advisable in the interests of the Company."

It was proposed by Mr. J. A. Crawford, seconded  
by Mr. J. P. Thomas, and carried—

"That Mr. R. Blechynden be re-elected Auditor  
for the current year."

It was proposed by Mr. W. P. Duff, seconded  
by Mr. W. Smith, and carried—

"That the thanks of the Shareholders be convey-  
ed to the Directors for their services during the  
past year. Also to the Secretaries, and to Mr. Har-  
low, the Manager, and his Assistants, for the effi-  
cient manner in which their duties have been dis-  
charged."

The Meeting then separated with a vote of  
thanks to the Chair.

J. A. CRAWFORD,  
*Chairman.*

STEEL, MCINTOSH & Co.,  
*Agents and Secretaries.*

(730—1)

### Bengal Tea Company, "Limited."

THE Twenty-first Half yearly General Meeting  
of Shareholders of the above Company will be  
held at the registered Office, No. 7, Church Lane, on  
Friday, the 31st March, at 4 P.M., to receive the  
report of the Directors and accounts for the half-  
year ending 31st December 1870, and transact such  
other business as may be brought forward.

A. H. BLECHYNDEN,

CALCUTTA,

*Secretary.*

The 15th March 1871.

(719—2)

### Tirhoot Indigo Company, "Limited."

#### NOTICE.

THE Fifteenth Half-yearly Ordinary General  
Meeting of Shareholders of the above Company  
will be held at its registered Office, No. 3, Church  
Lane, at noon of Thursday, the 30th instant, to  
receive the Directors' report, pass the accounts,  
and transact any other business that may be  
brought before the Meeting.

By order,

WILLIAM MORAN & Co.,

No. 3, CHURCH LANE,

*Agents.*

The 16th March 1871.

(716—2)

### The Dehing Company, "Limited."

NOTICE is hereby given that Messrs. John  
Elliot and Company, who have been joined by  
Mr. R. C. Noble, surviving Partner of the Firm of  
Messrs. Mackillop, Stewart and Co., are appointed  
managing Agents of the Company, subject to the  
confirmation of the next General Meeting of  
Shareholders, and that the registered Office of the  
Company is removed to No. 4, Clive Street, from  
this date.

T. M. ROBINSON,  
H. DUNDAS,  
J. H. FERGUSON,  
R. C. NOBLE, } *Directors.*

CALCUTTA,

The 27th March 1871.

(731—1)

### Bishnauth Tea Company, "Limited."

I BEG to give notice that the Fifteenth Half-  
yearly Ordinary General Meeting of Shareholders  
in the above Company will be held at the regis-  
tered Office of the Company, No. 7, New China  
Bazar Street, on Thursday, the 30th instant, at  
4 P.M. precisely, to receive the Directors' report,  
pass the accounts, declare a dividend, and transact  
such other business as may be necessary.

By order of the Board,

J. H. WILLIAMSON,

CALCUTTA,

*Secretary.*

The 14th March 1871.

(715—3)

*Just Published.*

### Bengal Official Army List.

*Corrected up to January 1, 1871.*

The Official Quarterly Army List of H. M.'s  
Forces in Bengal, to which is added a non-Official  
Supplement, containing the latest corrected Civil  
List, War Services of Officers, &c., &c. By  
authority of Government. Price, Rs. 5; and 8  
annas extra for packing and postage.

The above to be had at the Office of Superintendent  
of Government Printing, 8, Hastings' Street,  
Calcutta.

## CURRENCY NOTES.

The following Currency Notes of the Government of India, Calcutta Circle, are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers; any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Register No.	No. of Notes.	Value.	Name of Claimant.
<i>Notes wholly lost or destroyed.</i>			
3861	A 44538	500	Shaik Khoda Bux.
3862	A 08206	1,000	} Kallyprosad Shaw.
	" 04342	1,000	
	" 18212	1,000	
3863	A 96211	20	Shamchand Mitter.
3864	A 25320	20	} The Chief Pay Master, E. I. Railway.
	A 78542	20	
3865	A 24391	100	Parbuttychurn Sadkhaw.
3873	A 60551	100	} Kaigee Topun.
	A 71383	50	
3875	A 60177	1,000	Brojolall Chatterjee.
3876	A 52621	100	} Rev. C. Warren.
	" 59614	100	
3878	A 93092	50	} Nuffer Chunder Dutt.
	" 89711	50	
3879	A 46486	500	Kedarnath Mitter.
3889	A 98366	100	Auboo Khoy.
3893	A 35572	100	Ramesbwar Nauth.
3894	A 95451	100	} Dist. Supdt. of Police, Chumparun.
3896	A 22136	100	
3897	A 36581	100	Shaik Smile.
3901	A 97510	50	} C. Hickie, Esq.
	" 91291	50	
	" 99539	50	
	" 96422	50	
3907	A 42331	300	J. H. Williamson.

*Notes partially lost or destroyed.*

		Rs.	
3867	A 95949	100	Hajee Kasseem Ally for Syed.
3871	A 23929	100	} Sham S here Khan.
	" 23930	100	
3872	A 79652	20	Goorooprosad Singh.
3874	A 55960	10	} Nilmoney Banerjee.
	A 34737	10	

Register No.	No. of Notes	Value.	Name of Claimant.
--------------	--------------	--------	-------------------

*Notes partially lost or destroyed.*

		Rs.	
2905	A 02324	10	Ramratan Moonaloll.
3882	A 50238	10	Major Galloway.
3883	A 10530	10	J. H. Dunn.
3884	A 89514	10	} Kristojeebun Ghose.
	" 03706	10	
3887	A 40816	10	H. Todd.
3891	A 52575	20	} Modhusudan Chowdry.
	A 86435	50	
3892	A 45321	10	Wattenbach, Heilgers & Co.
3893	A 04513	1,000	Hurruck Chund Dyal
			Chund.
3904	A 78660	10	Rajkristo Roy.
3906	A 18959	1,000	Allabuksh.

*Wrongly joined.*

		Rs.	
3868	A 63980	} 20	Obinash Chunder Sein.
	A 69648		
3869	A 96911	} 20	Sumbhoo Nauth Addy.
	" 71407		
3885	A 53006	} 20	Essur Chunder Mookerjee.
	A 13206		
3886	A 40231	} 20	Doorga Doss Mookerjee.
	A 73250		
3888	A 92173	} 10	The Chief Pay Mast East Indian Railway.
	" 92175		
3892	A 72938	} 10	Wattenbach, Heilgers & Co.
	A 21252		
3899	A 16442	} 10	Shumboo Chunder Roy.
	A 18444		
3903	A 36193	} 20	The Revd. H. Shea.
	" 36195		
3905	A 77585	} 20	Kasee Shudun Shaw.
	" 55258		

L. BERKELEY,

Asst. Commr. of Paper Currency.

PAPER CURRENCY DEPARTMENT,  
The 27th March 1871.

## Caution.

PUBLIC is hereby cautioned not to purchase or take, or mortgage or pledge, any property, moveable or immovable, from Brojomohun Dey, of Ram Bagan, in Calcutta.

(722—8)

PEABYMOHUN DOSS AND OTHERS.

## ON ACCOUNT OF THE CONCERNED.

LANDED DAMAGED BY SEA-WATER

Ex *S. S. Ferdinand de Lesseps*

200 Boxes of Tin Plates.

MACKENZIE, LYALL & Co. have been instructed to sell by Public Auction to the highest bidders at the Exchange Commercial Sale Rooms, with the permission of the Collector of Customs,

On Friday, the 31st March 1871,

200 Boxes of Tin Plates,

Marked [A.G.]

LANDED DAMAGED BY SEA-WATER

Ex *S. S. Ferdinand de Lesseps*,And now sold on account of the concerned.  
(727—1)

## Central Provinces Gazetteer.

Edition of 1870 in one Vol.

A LIMITED number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per vol., exclusive of postage charge. Apply to

MESSRS. THACKER, VINNING, *Bombay*,MESSRS. THACKER, SPINK & Co., *Calcutta*,or to Supdt., Chief Commr.'s Office, *Nagpur*.

Edited by the Secretary, Board of Revenue.

THE FIRST COMPLETE EDITION OF THE RULES OF THE REVENUE DEPARTMENT.

In one Vol., strongly bound half calf, interleaved.

Price 6 Rs.; Packing Charges and Postage 1 Re. extra.

[Should postage stamps be remitted, one anna additional in the Rupee must be sent to cover discount on sale of stamps.]

## RULES

FOR THE

## GUIDANCE OF OFFICERS

ENGAGED IN

THE ADMINISTRATION

OF THE

## REVENUE DEPARTMENT

IN THE

LOWER PROVINCES OF BENGAL.

This work supersedes "Hume's Manual." and will be the Text Book for the examination of Assistant and Deputy Collectors, so far as the Rules of the Board of Revenue are concerned. It is indispensable to all Revenue Agents and Pleaders who practise in Revenue Courts, and to all who have business in Revenue Offices throughout the country.

The number of copies available is limited.

## ALSO

Price 4 As. Packing Charges and Postage 2 annas extra,

## WASTE LAND RULES,

BEING

CHAP. XXVI. OF THE RULES OF THE BOARD OF REVENUE.

CALCUTTA:

OFFICE OF SUPDT. OF GOVT. PRINTING,  
No. 8, HASTINGS' STREET.

1869.

## SELECTIONS FROM UNPUBLISHED RECORDS OF GOVERNMENT

FOR THE YEARS

1748 to 1767 inclusive.

RELATING MAINLY TO THE SOCIAL CONDITION OF BENGAL.

With a Map of Calcutta in 1784.

BY THE REV. J. LONG,

Member of the Government Record Commission.

CALCUTTA:

OFFICE OF SUPDT., GOVERNMENT PRINTING,  
8, HASTINGS' STREET.

## Postal Notice.

## SEA AND OVERLAND MAILS.

For	Box closes at	Date.	Per Steamer
Chittagong and Akyab	6 P.M.	29th Mar.	<i>Moulmein.</i>
Rangoon, Moulmein, Penang, Malacca, and Singapore.	" "	29th "	<i>Scotia.</i>
Gopaulpore, Bimlipatam, Vizagapatam, Cocanada, Madras, Pondicherry, Nagapatam, Galle, Colombo, Tuticorin, Cochin, Beypore, Calicut, Jullocherry, Cannanore, Mangalore, Carwar, & Bombay.	" "	3rd April	<i>Busheer.</i>
Europe via France, Madras, Pondicherry, Galle, Mauritius and China.	" "	5th "	<i>Meinam.</i>

N.B.—The Europe Mail will arrive earlier if sent via Bombay on the 5th April 1871.

The next Overland Mail via Bombay will close on Wednesday, the 29th March 1871.

2. Book post and pattern packets must be posted on the 28th.

3. There will be no Express.

Postage chargeable by the new route via Brindisi and Germany:—

	As. P.
For the United Kingdom	Each letter per ½ oz. ... 8 0
	Each newspaper per 4 oz. ... 3 8
	Each book or pattern packet { not exceeding 1 oz. ... 3 0
	{ not exceeding 2 oz. ... 3 4
	{ not exceeding 4 oz. ... 4 8
	{ every additional 4 oz. ... 4 8
For places served through the United Kingdom	Each letter 8 pie per ½ oz. less than the published rate for a letter sent via Marseilles.
	Each newspaper 8 pie per 4 oz. more than the published rate for a newspaper sent via Marseilles.
	Each packet of { 8 pie per 4 oz. more than the published rate for a book or pattern packet sent via Marseilles.

As the late Papal States now form part of the Kingdom of Italy, correspondence for these States are now subject only to the same postal rules as apply to other parts of Italy, published in the Notification of this department dated 2nd September 1870.

N.B.—The letter box will close at 6 P.M. precisely, after which hour Overland letters, fully prepaid and bearing extra postage stamp of two annas on each cover, will be received up to 6-30 P.M., or, bearing an extra postage stamp of four annas on each cover, up to 7 P.M., and after 7 up to 8-30 P.M., by a Post Office Clerk at the East Indian Railway Station, Armenian Chhat.

W. H. McGOWAN,  
Post-Master.

CALCUTTA,  
The 28th March 1871.

*List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 25th March 1871.*

Abell, Mrs. S. O.  
Atkinson, J.  
Anderson, R. T. S.  
Agum Roy.  
Azzathoon, S. J.  
Auctiero, Mrs.  
Allison, F. F.  
Brassington, J. W.  
Beatson, Mrs. L.  
Blaker, Mrs.  
Boate, J.  
Blaquiere, C.  
Ball, Mrs.  
Connor, J.  
Clarke, Mrs.  
Carmen, J. R. D.  
Craig, Mrs.  
Cox, F. C.  
Caspers, W. E.  
Charles, C. G. W.  
Cartner, J.

Clarke, J. A.  
Church, D. F.  
Chapman, A. S. B.  
Duggan, C.  
David, M.  
D'Azario, J.  
DePenning, P.  
Dusford, H. S.  
Desterbeg, C. S.  
Dignum, O.  
Duncan, Dr. J.  
Donoghue, T. E.  
D'Cruz, Mrs. A.  
Doyle, J. P.  
Drijo Roy Chatterjee.  
Eckhardt, E.  
Fowler, Mrs.  
Fletcher, Lt.  
Fook, F.  
Ferne, W.  
Gory, C.

Knyvott, A. V.  
Lindsay, Mrs.  
Lewis, E. and Co.  
Lawler, Mrs.  
Lord, Mrs.  
Moung Phareec.  
Moate, S.  
Malloy, M.  
Macdolan and Co.  
Mudge, E. A.  
Muttu Iall Seal.  
Martin, H.  
Northern Master.  
Potts, J. W. M.  
Power, C.  
Pigott, Major.  
Phillips, E.  
Ryves, G. F.  
Rose, J. B.  
Ring, J. B.  
Rajkisto Mitter.

Skelly, Mrs. H.  
Sampson, M.  
Semi-India, Monsieur V.  
Smith, A. A.  
Spracklin, Capt. W. F.  
Strong, J. G.  
Simpson, R.  
Suter, Mrs.  
Thorp, Mrs. C.  
Turner, T. J.  
The Head Clerk, Section  
Department.  
Trybenger, M.  
Toulmin, W. N.  
Thompson, Mrs.  
Wyle, S.  
Wilson, J.  
Woods, J. W.  
Ware, J.

CALCUTTA POST OFFICE,  
The 27th March 1871.

W. H. McGOWAN,  
Post-Master.





APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, MARCH 29, 1871.

**NOTICE**

Is hereby given that the sale of the proprietary right of Government to the Estates enumerated in the following Advertisements of Sale will be made subject to these

**CONDITIONS OF SALE:**

1st.—The Estates to be sold, subject to the Government Revenue against each, to the highest bidders above the upset price.

2nd.—The sale to be subject to existing leases and to the rights conferred by the settlement proceedings and laws in force, and Purchasers to be bound to respect the rights of resident cultivators who have signed the Schedule of Assessment made by the Revenue Authorities.

3rd.—If the amount of purchase-money do not exceed Rupees 100, the whole amount to be paid down at once.

4th.—If the amount of purchase-money exceed Rupees 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding Office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the Estate to be again put up for sale at the risk of the defaulting Purchaser after issue of advertisement as in the case of original sale.

5th.—In addition to the ordinary Government Revenue fixed on the Estates, the Purchasers shall be bound to pay for the construction of roads and improvement of communications one per cent. on the Government Revenue assessed from the date of entry upon the purchase. This sum will be leviable in the same manner as other arrears of Revenue.

By Order of the Board of Revenue. L. P.,

D. J. McNEILE,

*Officiating Junior Secretary.*

## . ADVERTISEMENT OF SALE.

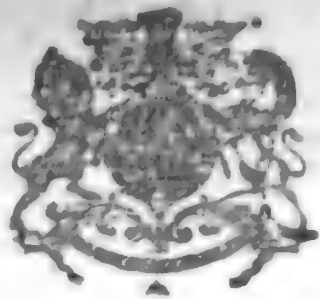
NOTICE is hereby given that the proprietary right of Government to the undermentioned Estates, situate in the District of Sylhet, will be put up to sale, at the Sylhet Collectorate, on Saturday, the 15th April 1871, corresponding with 3rd Bysack 1278 B.S.

The purchasers of these estates will be subject to the conditions of sale notified, under the signature of the Secretary to the Board of Revenue, at the head of this Appendix, except the 1st, 2nd, and 5th, conditions.

Number in statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Approximate Area in Acres.	GOVERNMENT REVENUE.			Upset Price.	REMARKS.
				Revenue assessed.	Road Use.	Total.		
		<i>Mohal Khua.</i>	A. R. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	Rs. As. P.	
782	2587	Anupram Kar. Pergunnah Daka	0 0 22	.....	.....	.....	1 12 4	
784	53282	Mohal duto, Golabram Deb, Bholanath Deb, Ram Mohun Deb, Rampersad Deb, Barga-churn Deb, Chordram Deb, and Jugo Mohun Deb. Pergunnah Bejarah	0 2 6	.....	.....	.....	8 15 4	

SYLHET COLLECTORATE.  
The 20th January 1871.

For Collector. (F)



# APPENDIX (No. II.) TO The Calcutta Gazette.

WEDNESDAY, MARCH 29, 1871.

## LAND SALE NOTICES.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in Zillah Sylhet will be put up to public and unreserved sale at the Collector's Office of that District on Tuesday, the 4th April 1871, corresponding with 22nd Choit 1277 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 18th January 1871.

### *Permanently-settled Estates.*

No. 31196.—Talook Koorban Rezah, Zemindar, Pergunnah Joarbanceahchung; recorded Proprietors, Anman Rezah and Jaman Reza; Sudder Jumma Rs. 1,261-0-3.

The shares of Shama Soondari Chowdbrancee, Dayal Ram Deb, Najoomnisha Bhunoo, Mahomed Kolim, Shaik Arobdi, Shaik Somai, Mahomed Abdool Rahman, bearing a revenue of Rs. 36-14-2, having been separated under Section 11, Act XI. of 1859, are excluded; the Sudder Jumma for sale, Rs. 1,224-2-1.

No. 47031.—Talook Roygourhurry Sing, Pergunnah Banoogutch; recorded Proprietor, Roy Radhagovind Sing; Sudder Jumma, Rs. 1,693-0-3.

The shares of Doorgapersaud Dhur, Kishore Das, Birjosoonder Das, Bysnub Churn Das, Perrankishno Dutta, Hurkishore Sein, Barut Chunder Ker, Bishnonauth Dutta, Rotonmonee Das, Radakanto Serma, Syud Abdool Zoleel, Syud Abdool Zoleel, Ramdas Coond, Birjonaauth Dhur, Bysnub Churn Das, Guno Moni Dossee herself, and on behalf of Rajcoomaree, Prasunno, and Coomaree, her minor daughters, Rodronamin Deb, Radagovind Das, Rajmohun Goosamee, Kalikapersaud Das, Kalecapersaud Das, Kalecapersad Das, Doorgapersaud Dhur, Kishore Das, Rotonmonee Das, Prankishno Deb, Nandogopal Deb, Doorgapersaud Dhur, Radagovind Das, Ram Dass, Doorgachurn Das, Gungagovind Dut, Ram Dass Dutta, Olokamonjoree Dassee, widow of Kistogovind Dutta, mother of Koonjogovind Dut, minor; Shurut Chunder Naug, Narainonee Dassee, mother of deceased Kistogovind Das, on behalf of Anundomoyee Dassee, Koonjomoi Dassee, the minor daughter of the said Kistogovind Das, Radhagovind Das, on behalf of his minor son Kaleecoomar Dass; Gourgovind Das, Goluck Chunder Ghosa, Perrankisto Nandee, Moheshoree Dassee, Kontenauth, Gyanauth, Monanauth, Jogyinauth, Soonyenauth, Jeebunnauth, Neelraton Deb, Govind Churn Deb, Hurkisto Mitter, Poncharum Deb, Mooluckram Deb, Mooteeram Paul, Sidhee Dassee, widow of Kaseeram Deb, Perrankisto Deb himself, and on behalf of Koonjogopal Deb, Gourgopaul Deb, and Joygopaul Deb, minors; Narainoni Dassee, Gunga Churn Das, on behalf of his minor son Goroo Charan Das, Poncharum Deb, Gopalram Deb, Shaik Moonshee, Onuntoram Deb, Manik Ram Deb, Govindram Deb, Shaik Mogul, Shaik Khurove, Shaik Kazeem, Mahomed Anjeed, Moneeram Deb, Doolubram Das, Gour Mohun Das, Ruttunram Das, Joy Dhun Dassee, Shoreopram Das, Luckun Ram Das, Gouaram Das, Moniram Das, Jeegulram Das, Shuhobram Das, Mulluckram Das, Deepram Das, Sheebaram Das, Phechooram Das, Anye Manjee, Dropodee Dassee, Jugernauth Sermah, Kumakha Deben, wife of Soobanker Sermah, Cheentaram Naoo, Sofautollah, Romutollah, Anar Mahomed, Mahomed Allee, Mahomed Soleem, Meer Mahomed, Mahomed Azeem, Mahomed Nazeem, Mahomed Kazeem, Nozat Mahomed, Necor Bibee, on behalf of Mahomed Munsoor, minor; Shumshere Mahomed, Lozeenu Bibee, Sulleemollah, Anser Mahomed, Mahomed Esuf, Jamal Mahomed, Shaik Koton, Mahomed Azohur, Dowlut Bibee, Koton Bibee, Mahomed Rozee, Soonderbibee, Kherun Bibee, Maherjan Bibee, Monerjabi, Nij Mahomed, Shaik Shadun, Shohut Bibee, Azeebdie, Torub Mahomed, Shuteetollah, Synubee, Anser Mahomed, Abdoolah, Nobeeja Bibee, wife of Mahomed Sulder, Mahomed Akbur, known as Akbur Mahomed, Soobhunooddeen, Hoosamoodee, Haifazooddeen, Mahomed Anes, Azeez, Mussamut Rosson Bibee, widow of Mahomed Azim, herself and on behalf of Mahomed Musreef and Mahomed Areef, minors, Mahomed Moolim himself, and on behalf of Mahomed Munsoor and Mahomed Naseer, minor sons of deceased Mahomed Nuzee, Koseer Mahomed, Koramutollah, himself and on behalf of Necor Bibee and Myna Bibee, minor daugh-

ters of Anser Mahomed, Mussamut Sobook Bibee, widow of Azmutollah, herself and on behalf of her minor sons Hatimollah and Sofutollah, Opeer Khan, Shabaz Khan, Mahomed Azohur, Mahomed Hateem, Sankurram Das, Purna Dassee, on behalf of Shorut Chandro Das, minor, Kanooram Pal, Deepram Pal, Neelram Pal, Khosarum Pal, Moolookram Pal, Shaik Anser, Modhooram Pal, Dovram Pal, Moyaram Pal, Suntoosram Pal, Anser Mahomed, Jameel Mahomed, Mooktaram Pal, Durbesh Mahomed, Bandollah, Jabidah Bibee, Rabeca Bibee, Mahomed Kameel, Danis Mahomed, Kameel Mahomed, and Jubed Ally, bearing a revenue of Rs. 784-1- $\frac{1}{2}$ C., together with the shares of Radhagovind Das and others, bearing a revenue of Rs. 25-10-11 (to be sold separately), having been separated under Section 11, Act XI. of 1859, are excluded; the Sudder Jumma for sale, Rs. 988-3- $\frac{1}{2}$ C.

No. 54727.—Talook Hussah Syud Modon Rozah, Pergunnah Turreef; recorded Proprietors, Romabain Deb and others; Sudder Jumma; Rs. 2,784-3-2.

The shares of Soshodabutee Dassee, Doolgovind Palit, Kishnogovind Palit, Hurgovind Palit, Mussamut Paramjan Bibee, Rajkishore Deb, Tareenee Dassee, Hurree Churn Deb, Bindabun Dutta, Komul Churn Deb, Hurgovind Das, Mussamut Raheen Bibee, Sheik Abdool Azeez, Mussamut Niek Janbibee, Sheik Ayanoodeen, Mussamut Nomija Bibee, Mussamut Anser Bibee, Tareenee Dassee, Purboteennauth Serma, Nobochander Serma, Ramgovind Das, Alloejan Bibee, Awas Ally, Kaleekishore Gopt, Helleemolla, Adil Mahomed, Sobeel Mahomed, Fazeel Mahomed, Huzoor Mahomed, Josa Dassee, Loleetabutee Dassee, Bhoobonehsoree Dassee, Radamohon Deb, Shumbhonath Datta, Joogulkishore Das, Ramkishore Das, Shodeygovind Nandee, Kalikaparsaud Deb, Feetah Mahomed, and Joshadabhotee Dassee, bearing a Government revenue of Rs. 197-0-0, together with the shares of Shorooop Chunder Serma and others, Rs. 3-15 (to be sold separately), having been separated under Section 11, Act XI. of 1859, are excluded.

The Sudder Jumma for sale, Rs. 2,583-3-5.

SYLHET COLLECTORSHIP,

The 24th February 1871.

H. C. SUTHERLAND, *Offg. Collector.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the District of Burdwan will be put up to public and unreserved sale at the Collector's Office of that District on the 3rd day of April 1871, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1871:—

*1st Class.—Istomoraree Mehals.*

Mehal Nezampore, in Pergunnah Shomer Shaby, Towjee No. 78, Gopikristo Bose and Poorna Chandra Bondopadhyay, Sebnith of Radha Roman Joo, Proprietors; Sudder Jumma, Rs. 1,168-8-10.

Mehal Shooniedergore, in Pergunnah Shatsnoykee, Towjee No. 158; Rohamannesa Bibee and Koylash Chander Dey Chowdhry, Proprietors; Sudder Jumma, Rs. 2,710-8-11.

BURDWAN COLLECTORATE,

The 25th February 1871.

H. F. J. KEAN, *Offg. Collector.*





# The Calcutta Gazette.

WEDNESDAY, APRIL 5, 1871.

GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th March 1871, and is hereby promulgated for general information :—

Act No. VIII of 1871.

## THE INDIAN REGISTRATION ACT, 1871.

### ARRANGEMENT OF SECTIONS.

#### PART I.

##### PRELIMINARY.

##### PREAMBLE.

##### SECTIONS.

1. Short title.  
Local extent.  
Commencement.
2. Repeal of enactments
3. Interpretation-clause.

#### PART II.

##### OF THE REGISTRATION ESTABLISHMENT.

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## AN ACT FOR THE REGISTRATION OF DOCUMENTS.

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of documents: It is hereby enacted as follows—

## PART I.

## PRELIMINARY.

1. This Act may be called  
"The Indian Registration  
Act, 1871."

Short title.

It extends to the whole of British India, except such districts or tracts of country as the Local Government may from time to time, with the previous sanction of the Governor General in Council, exclude from its operation.

Local extent.

And it shall come into force on the first day of July 1871.

Commencement.

2. On and from that day the enactments mentioned or referred to in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

Repeal of enactments.

But all appointments, notifications, rules and orders made, and all officers established, under any of the said enactments shall be deemed to have been, respectively, made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of July 1871, to any enactment hereby repealed, shall be read as if made to the corresponding section of this Act.

And nothing herein contained affects Act No. XX of 1866, so far as relates to the procedure upon any agreement recorded under section fifty-two of that Act at any time before that day, or the procedure provided by that Act for the registration and deposit of authorities to adopt executed before the first day of January 1872.

And so far as regards suits instituted before the first day of April 1873, nothing herein contained affects Act No. XIV of 1859, section one, clause ten, as amended by Act No. XX of 1866, section twenty-seven.

3. In this Act, unless there be something repugnant in the subject or context—

Interpretation-clause.

"Lease" includes a counterpart, a kabūliyat, an undertaking to cultivate or occupy, and an agreement to lease:

"Lease."

"Signature."

"Signed."

"Signature" and "signed" include and apply to the affixing of a mark:

"Immoveable Property" includes land, buildings, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land,

"Immoveable Property."

and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

"Moveable Property" includes standing timber, growing crops and grass,

"Moveable Property."

fruit upon and juice in trees, and property of every other description, except immoveable property:

"Book" includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book:

"Endorsement" and "endorsed" include and apply to an entry in writing by a Registering Officer on a rider or covering slip to any document tendered for registration under this Act:

"Minor" means a person who, according to the personal law to which he is subject, has not attained majority:

"Minor."

"Representative" includes the guardian of a minor and the Committee or other legal curator of a lunatic or idiot:

"Representative."

"Addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name.

"Addition."

"District Court" includes the High Court in its ordinary original civil jurisdiction:

"District Court."

"District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

"District," "Sub-District."

## PART II.

## OF THE REGISTRATION ESTABLISHMENT.

4. The Local Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government,

or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers and within such local limits as the Local Government from time to time appoints in this behalf.

The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of the Inspector General under this Act other than the power to frame rules hereinafter conferred.

Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

5. For the purposes of this Act, the Local Government shall form Districts and Sub-Districts, and shall prescribe and may from time to time alter the limits of such Districts and Sub-Districts.

The Districts and Sub-Districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

6. The Local Government may appoint such Registrars and Sub-Registrars, whether public officers or not, as it thinks proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid, respectively.

7. The Local Government shall establish in every District an office to be styled the Office of the Registrar and in every Sub-District an office to be styled the Office of the Sub-Registrar, and may amalgamate with any Office of a Registrar any Office of a Sub-Registrar.

8. The Local Government may also appoint officers to be called Inspectors of Registration Offices, and may from time to time prescribe the duties of such officers. Every such Inspector shall be subordinate to the Inspector General.

9. Every Military Cantonment where there is a Cantonment Magistrate may (if the Local Government so directs) be, for the purposes of this Act, a Sub-District or a District, and such Magistrate shall be the Sub-Registrar or the Registrar, of such Sub-District or District, as the case may be.

Whenever the Governor General in Council declares any Military Cantonment beyond the limits of British India to be a Sub-District or a District for the purposes of this Act, he shall also declare, in the case of a Sub-District, what authorities shall be Registrar of the District and Inspector General, and in the case of a District, what authority shall be Inspector General, with reference to such Cantonment and the Sub-Registrar or Registrar thereof.

10. Whenever any Registrar other than the Registrar of a District including a Presidency Town, is absent otherwise than on duty in his District, or when his office is temporarily vacant,

any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's Office is situate,

shall be the Registrar during such absence or until the Local Government fills up the vacancy.

Whenever the Registrar of a District including a Presidency Town, is absent otherwise than on duty in his District, or when his office is temporarily vacant,

any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

11. Whenever any Registrar is absent from his office on duty in his District, he may appoint any Sub-Registrar or other person in his District to perform, during such absence, all the duties of a Registrar, except those mentioned in sections sixty-eight and seventy-two.

12. Whenever any Sub-Registrar is absent, or when his office is temporarily vacant,

any person whom the Registrar of the District appoints in this behalf shall

be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

13. All appointments made under section ten, section eleven, or section twelve shall be reported to the Local Government by the Inspector General. Such report shall be either special or general, as the Local Government directs.

The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

14. Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the Registering Officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

The Local Government may allow proper establishments for the several Offices under this Act.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of the Registrar (or of the Sub-Registrar) of \_\_\_\_\_"

16. The Local Government shall provide for the office of every Registering Officer the books necessary for the purposes of this Act.

The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such District.

### PART III.

#### OF REGISTRABLE DOCUMENTS.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a District in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or comes into force (that is to say) —

(1) Instruments of gift of immoveable property;

(2) Other instruments (not being wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property;

(3) Instruments (not being wills) which acknowledge the receipt or payment of any consi-

deration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent.

Provided that the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any District, or part of a District, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

Nothing in clauses (2) and (3) of this section applies

Exception of composition-deeds; (a) to any composition-deed,

(b) to any instrument relating to shares in a Joint Stock Company, notwithstanding that the and of transfers of assets of such Company consist in whole or in part of shares and debentures in immovable property, or Land Companies.

(c) to any endorsement upon or transfer of any debenture issued by any such Company.

Authorities to adopt a son, executed after the first day of January 1872 and not conferred by a will, shall also be registered.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(1) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees to or in immoveable property;

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(3) Leases of immoveable property for any term not exceeding one year, and leases exempted under section seventeen;

(4) Awards relating to immoveable property;

(5) Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title, or interest to or in moveable property;

(6) Wills;

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, Certified copies of decrees and orders of Courts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

19. If any document duly presented for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the District and also by a true copy.

20. The Registering Officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

21. (a.) No document not testamentary relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b.) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(c.) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several Districts, by such number of true copies of the map or plan as are equal to the number of such Districts.

22. Failure to comply with the provisions contained in section twenty-one clause (4) shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

#### PART IV.

##### OF THE TIME OF PRESENTATION.

23. Subject to the provisions contained in sections twenty-four, twenty-five and twenty-six, no document required by section seventeen to be registered, and no document mentioned in section eighteen, other than a will, shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution;

or, in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final;

Provided that, where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

24. If owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine

not exceeding ten times the amount of the proper registration fee, such document shall be accepted for registration.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

25. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time heretofore prescribed in that behalf, the Registering Officer, if satisfied,

(1) that the instrument was so executed, and  
(2) that it has been presented for registration within four months after its arrival in British India, may, on payment of the proper registration fee, accept such document for registration.

26. Whenever a registration-office is closed on the last day of any period hereinbefore provided for the presentation of any document, such last day shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

#### PART V.

##### OF THE PLACE OF REGISTRATION.

28. Save as in this Part otherwise provided, every document mentioned in section seventeen, clauses (1), (2), (3) and (4), and section eighteen, clauses (1), (2), (3) and (4), shall be presented for registration in the office of a Sub-Registrar within whose Sub-District the whole or some portion of the property to which such document relates is situate.

29. Every document, other than a document referred to in section twenty-eight and a copy of a decree or order, may be presented for registration, either in the office of the Sub-Registrar in whose Sub-District the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose Sub-District the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree desire the copy to be registered.

30. (a.) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

(b.) The Registrar of a District including a Presidency Town may receive and register any document referred to in section twenty-eight without regard to the situation in any part of British India of the property to which the document relates.

31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer whose duty it is to register the same.

But such officer may on special cause being shown attend at the residence of any person intending to register any document which would ordinarily be registered at such office, or of any person desiring to deposit a will, and register or accept for registration or deposit such document or will.

#### PART VI.

##### OF PRESENTING DOCUMENTS FOR REGISTRATION.

32. Except in the case mentioned in section thirty-one, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office,

by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order,

or by the representative or assign of such person, or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

33. For the purposes of section thirty-two, the powers of attorney recognizable for purposes of section 32. powers of attorney next hereinafter mentioned shall alone be recognized (that is to say),—

(a) if the principal at the time of executing the power of attorney resides in any part of British India, in which this Act is for the time being in force a power of attorney executed before and authenticated by the Registrar or Sub-Registrar within whose District or Sub-District the principal resides;

(b) if the principal at the time aforesaid resides in any other part of British India, a power of attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India:

Provided that the following persons shall not be required to attend at any registration-office or court for the purpose of executing any such power of attorney as is mentioned in clauses (a) and (b) of this section:—

persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

persons who are in jail under civil or criminal process; and

persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Judge (as the case may be), if satisfied that the power of attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.



Any power of attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or court heretofore mentioned in that behalf.

34. Subject to the provisions contained in this Part and in sections forty-one, forty-three, forty-five, sixty-nine, seventy-six and eighty-six, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation:

Provided that if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases when the delay in appearing does not exceed four months may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, the document may be registered.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon—

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed,

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

35. If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document;

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution;

or, if the person executing the document is dead, and his representative or assign appears before the registering officer, and admits the execution,

the registering officer shall register the document as directed in sections fifty-eight to sixty-one inclusive.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

If all or any of the persons by whom the document purports to be executed deny its execution,

or if any such person appears to be a minor, an idiot, or a lunatic,

or if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document.

Nothing in section thirty-four, or the former part of this section, applies to copies of decrees or orders.

## PART VII.

### OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

36. If any person presenting any document for registration desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or court as the Local Government from time to time directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent, as in the summons may be mentioned and at a time named therein.

37. The Officer or Court, upon receipt of the Officer or Court fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

38. A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office, a person in jail under civil or criminal process, and persons exempt by law from personal appearance in court, and who would but for the provision next hereinafter contained be required to appear in person at the registration office, shall not be required so to appear.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

39. The law in force for the time being as to summonses, commissions and witnesses in this Act, to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil courts shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission, issued, and any person summoned to appear under the provisions of this Act.

## PART VIII.

### OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

40. The testator or any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration,

and the donor or donee of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

A will or authority to adopt presented for registration by any other person entitled to present it, shall be registered if the Registering Officer is satisfied,

(1) that the will or authority was executed by the testator or donor, as the case may be,

(2) that the testator or donor is dead, and

(3) that the person presenting the will or authority is, under section forty, entitled to present the same.

### PART IX. OF THE DEPOSIT OF WILLS.

**42.** Any testator may either personally or by duly authorized agent deposit with any Registrar the will in a sealed cover superscribed with the name of the depositor and the nature of the document.

*Deposit of wills.*

**43.** On receiving such sealed cover, the Registrar, if satisfied that the depositor is the testator, or his duly authorized agent, shall transcribe in his Register Book No. 5 the superscription on such sealed cover, and note in the register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover.

*Procedure on deposit of wills.*

The Registrar shall then place and retain the sealed cover in his fire-proof box.

**44.** If the depositor of any such sealed cover wishes to withdraw it, he may apply to the Registrar with whom it has been so deposited for the delivery of the cover; and the Registrar, if satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

*Withdrawal of sealed cover deposited under section 42.*

**45.** If, on the death of the depositor of a sealed cover under section forty-two, application be made to the Registrar with whom it has been deposited to open the same, the Registrar, if satisfied that the depositor is dead, shall, in the applicant's presence, open the cover, and copy, at the applicant's expense, the contents thereof in his Book No. 3.

*Proceedings on death of depositor.*

When such copy has been made, the Registrar shall re-deposit the original will.

*Re-deposit.*

**46.** Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, section two hundred and fifty-nine, or the power of any court by order to compel the production of any will. But whenever any such order is made, the Registrar shall copy the will in his Book No. 3 and make a note on such copy that the original has been removed into court in pursuance of the order aforesaid.

*Saving of Act X of 1865, section 259.*

### PART X.

#### OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

**47.** A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

*Time from which registered document operates.*

**48.** All documents, not testamentary, duly registered under this Act, and relating to any property whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

*Registered documents relating to property when to take effect against oral agreements.*

**49.** No document required by section seventeen to be registered, shall affect any immoveable property comprised therein,

*Effect of non-registration of documents required to be registered.*

or confer any power to adopt,

or be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered in accordance with the provisions of this Act.

**50.** Every document of the kinds mentioned in clauses (1) and (2) of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

*Registered documents relating to immoveables, of which the registration is optional, to take effect against unregistered documents.*

*Explanation.*—In cases where Act No. XVI of 1864 or Act No. XX of 1866 was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July 1871, not registered under this Act.

### PART XI.

#### OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A.) *As to the Register Books and Indexes.*

**51.** The following Books shall be kept in the Register Books to be several offices hereinafter named (that is to say),—

In all Registration Offices—

Book 1, "Register of documents relating to immoveable property;"

Book 2, "Record of reasons for refusal to register;"

Book 3, "Register of wills and authorities to adopt;" and

Book 4, "Miscellaneous Register."

In the Offices of Registrars—

Book 5, "Register of deposits of wills."

In Book 1 shall be entered or filed all documents or memoranda registered under the first four clauses of sections seventeen and eighteen and all other documents mentioned in section eighteen, clause (7), which relate to immoveable property.

In Book 4 shall be entered all documents registered under clauses (5) and (7) of section eighteen, and not entered in Book 1.

Nothing in the former part of this section shall be deemed to require more than one set of books where the Office of a Registrar has been amalgamated with the Office of a Sub-Registrar.

**52.** The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section sixty-two, every document admitted to registration shall without un-

*Endorsements on document presented.*

*Receipt for document.*

*Documents admitted to registration to be copied.*

necessary delay be copied in the Book appropriated therefor according to the order of its admission.

And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

53. All entries in each Book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

55. Two such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I. and Index No. II.

Index No. I. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into or memorandum filed in Book No. 1 or Book No. 3.

Index No. II. shall contain such particulars mentioned in section twenty-one, relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

A third index to be called Index No. III. shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 4.

Indexes Nos. I., II. and III. shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

56. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I. and II.

Every Registrar receiving such copy shall file it in his office.

57. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and subject to the provisions of section sixty-two, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Books Nos. 3 and 4 and in the indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the registering officer.

Such copies shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B.) As to the procedure on admitting to registration.

58. On every document admitted to registration, other than a copy of a decree or order, there shall be endorsed from time to time the following particulars (that is to say),—

(1) the signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent

(2) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(3) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

59. The registering officer shall affix the date and his signature to all endorsements made under the last preceding section, relating to the same document and made in his presence on the same day.

60. After such of the provisions of sections thirty-four, thirty-five, fifty-eight, and fifty-nine as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the Book in which the document has been copied.

Such certificate shall be signed, sealed and dated by the registering officer and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section fifty-nine have occurred as therein mentioned.

61. The endorsements and certificate referred to and mentioned in sections fifty-nine and sixty shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in section twenty-one shall be filed in Book No. 1.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section fifty-two.

62. When a document is presented for registration under section nineteen, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section nineteen, shall be filed in the registration office.

The endorsements and certificate respectively mentioned in sections fifty-nine and sixty shall be made on the original, and for the purpose of making the copies and memoranda required by



sections fifty-seven, sixty-four, sixty-five and sixty-six, the translation shall be treated as if it were the original.

**63.** Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

*(C.)—Special duties of Sub-Registrar.*

**64.** Every Sub-Registrar on registering a document relating to immoveable property not wholly situate in his own Sub-District, shall make a memorandum thereof and of the endorsement and certificate thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

**65.** Every Sub-Registrar on registering a document relating to immoveable property situate in more than one District, shall also forward a copy thereof and of the endorsement and certificate thereon, together with a copy of the map or plan (if any) mentioned in section twenty-one, to the Registrar of every District in which any part of such property is situate other than the District in which his own Sub-District is situate.

The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose Sub-District any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

*(D.)—Special duties of Registrar.*

**66.** On registering any document not testamentary relating to immoveable property the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose Sub-District any part of the property is situate.

He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section twenty-one, to every other Registrar in whose District any part of such property is situate.

Such Registrar, on receiving any such copy, shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose Sub-District any part of the property is situate.

Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

**67.** On any document being registered under section thirty, clause (b), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section sixty-six.

*(E.)—Of the controlling powers of Registrars and Inspectors General.*

**68.** Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose District the office of such Sub-Registrar is situate.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the Book or the office in which any document shall have been registered.

**69.** The Inspector General shall exercise a general superintendence over all the registration offices in the territories under the Local Government, and shall have power from time to time to frame rules consistent with this Act—

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

declaring what languages shall be deemed to be commonly used in each District;

declaring what territorial divisions shall be recognized under section twenty-one;

regulating the amount of fines imposed under section twenty-four;

regulating the exercise of the discretion reposed in the registering officer by section sixty-three;

regulating the form in which registering officers are to make memoranda of documents;

regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section fifty-one;

declaring the particulars to be contained in Indexes Nos. I, II and III, respectively;

declaring the holidays that shall be observed in the registration offices;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The rules so framed shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

**70.** The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section twenty-four or section thirty-four and the amount of the proper registration fee.



## PART XII.

## OF REFUSAL TO REGISTER.

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.

71. Every registering officer refusing to register a document,

except (1) where the property to which the document relates is not situate within his District or Sub-District, or (2) where the registering officer being a Registrar declines to accept the document on the ground that it ought to be registered in the office of a Sub-Registrar,

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. An appeal shall lie against an order of a

Registrar may alter or revise orders of Sub-Registrar refusing registration.

Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such

Sub-Registrar is subordinate if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order:

Any Registrar refusing to direct the registration of any document shall make an order of refusal and record the reasons for such order in his Book No. 2, and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

73. If a Registrar makes under section seventy-

Procedure where Registrar refuses to register or direct registration of documents falling under section seventeen or section eighteen, clauses 1, 2, 3 and 4.

one or section seventy-two an order of refusal to register or to direct the registration of any document,

or if he has made a like order under section eighty-two or section eighty-three of Act No. XX of 1866,

or if the Sub-Registrar has refused to register the document on the ground that the person, or one of the persons, by whom the document purports to have been executed has denied the execution,

or if the Registrar has himself as Sub-Registrar made an order of refusal under section seventy-one,

any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply by petition to the District Court, in order to establish his right to have the document registered.

74. The petition shall be in the form contained

Petition.

in the second Schedule hereto annexed or as near thereto as circumstances permit, and shall be accompanied by copies of the reasons recorded under sections seventy-one and seventy-two; the statements in the petition shall be verified by the petitioner

To be verified. in manner required by law for the verification of plaints; and the petition may be amended by permission of the court.

75. The court shall fix a day for the hearing of

Court to fix day for hearing petition, and copy thereof to be served.

the petition not less than ten days after the service of the petition, and shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the registering officer and on such other persons (if any) as the court thinks fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this section.

76. The court may summon and enforce the

Court may order appearance of witnesses and compel them to give evidence.

attendance of witnesses and compel them to give evidence,

and on the day so fixed as aforesaid or on any day to which the hearing of the petition may be adjourned, shall enquire—

(a.) whether the document has been executed, and

(b.) whether the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration.

If it finds that the document has been executed and that the said requirements have been complied with, the court shall order the document to be registered,

and if the document be duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections fifty-eight, fifty-nine and sixty.

Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

Provided that when the officer presiding over

Provided for case in which the Judge is the registering officer.

the District Court has himself as registering officer made any order complained of under this section, the

petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

The District Court or the High Court, as the case may be, may direct by whom the whole or any part of the costs of any proceedings before it under this Part shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure.

No appeal lies from any order made under this section.

## PART XIII.

## OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

77. Subject to the approval of the Governor

Fees to be fixed by Local Government.

General in Council, the Local Government shall prepare a table of fees payable—

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before, on or after registration;

And of extra or additional fees payable—

for every registration under section thirty:  
for the issue of commissions:  
for filing translations:  
for attending at private residences:  
and for such other matters as appear to the  
Local Government necessary to effect the  
purposes of this Act.

The Local Government may from time to time,  
Alteration of fees. subject to the like approval,  
alter such table.

A table of the fees so payable shall be published  
in the official *Gazette*, and a

Publication of fees. copy thereof in English and  
the Vernacular language of the District shall be  
exposed to public view in every registration office.

Fees payable on pre-  
sentation.

78. All fees for the registra-  
tion of documents under  
this Act shall be payable on  
the presentation of such do-  
cuments.

#### PART XIV.

##### PENALTIES.

79. Every registering officer appointed under  
this Act and every person  
employed in his office for the  
purposes of this Act, who,  
being charged with the en-  
dorsing, copying, translating  
or registering of any document presented or de-  
posited under the provisions, endorses, copies,  
translates or registers such document in a manner  
which he knows or believes to be incorrect,  
intending thereby to cause, or knowing it to be  
likely that he may thereby cause injury, as defined  
in the Indian Penal Code to any person, shall be  
punished with imprisonment for a term which may  
extend to seven years, or with fine, or with both.

80. Whoever commits any of the following  
offences shall be punishable  
with imprisonment for a term  
which may extend to seven  
years, or with fine, or with both:—

(a) intentionally makes any false statement,  
whether on oath or not, and  
whether it has been recorded  
or not, before any officer act-  
ing in execution of this Act, in any proceeding or  
enquiry under this Act,

(b) intentionally delivers to a registering officer  
in any proceeding under sec-  
tion nineteen or section  
twenty-one a false copy or  
translation of a document, or a false copy of a map  
or plan,

(c) falsely personates another, and in such  
assumed character presents  
any document, or makes  
any admission or statement,  
or causes any summons or commission to be issued,  
or does any other act in any proceeding or enquiry  
under this Act,

(d.) abets within the meaning of the Indian  
Penal Code anything made  
punishable by this Act.

81. A prosecution for any offence under this  
Act coming to the knowledge  
of a registering officer in his  
official capacity may be insti-

tuted by or with the permission of the Inspector  
General, the Branch Inspector General of Sindh,  
the Registrar, or the Sub-Registrar, in whose  
territories, District or Sub-District, as the case may  
be, the offence has been committed.

Offences punishable under this Act shall be triable  
by any court or officer exercising powers not less  
than those of a Subordinate Magistrate of the  
first class:

Provided that in imposing penalties under this  
Act, no such Court or Officer shall exceed the  
limits of jurisdiction prescribed by the law for the  
time being in force as to such Court or Officer.

All fines imposed under this Act may be recover-  
ed, if for offences committed outside the limits  
of the Presidency Towns, in the manner prescribed  
by the Code of Criminal Procedure and if for  
offences committed within those limits, in the man-  
ner prescribed by any Act regulating the Police of  
such Towns for the time being in force.

82. Every registering officer appointed under  
this Act shall be deemed a  
public servant within the  
meaning of the Indian Penal  
Code.

Every person shall be legally bound to furnish  
information to such registering officer when re-  
quired by him to do so. And in section two  
hundred and twenty-eight of the same Code, the  
words "judicial proceeding" shall include any  
proceeding under this Act.

#### PART XV.

##### MISCELLANEOUS.

83. Documents (other than wills) remaining  
unclaimed in any registration  
office, for a period exceeding  
two years, may be destroyed.

84. No registering officer  
shall be liable to any suit,  
claim or demand by reason of  
anything in good faith done or  
refused in his official capacity.

85. Nothing done in good faith pursuant to  
this Act, or any Act hereby  
repealed, by any registering  
officer, shall be deemed invalid  
merely by reason of any defect  
in his appointment or proce-  
dure.

86. Notwithstanding anything herein contain-  
ed, it shall not be necessary  
for any officer of Government,  
or for the Administrator  
General of Bengal, Madras  
or Bombay, or for any Official  
Trustee, or for the Sheriff,  
Receiver or Registrar of a High Court, to appear  
in person or by agent at any registration office in  
any proceeding connected with the registration of  
any instrument executed by him in his official  
capacity, or to sign as provided in section fifty-  
eight.

But when any instrument is so executed, the  
registering officer to whom such instrument is  
presented for registration may, if he think fit, refer  
to any Secretary to Government or to such officer  
of Government, Administrator General, Official  
Trustee, Sheriff, Receiver or Registrar, as the case

may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

*Exemptions from Act.*

87. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps:—

(a.) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(b.) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey.

(c.) Documents which, under any law for the time being in force, are filed periodically in any revenue office by patwāris or other officers charged with the preparation of village records.

(d.) Sanads, ināms title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land.

But all such documents and maps shall, for the purposes of sections forty-eight and forty-nine, be deemed to have been and to be registered in accordance with the provisions of this Act.

88. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and maps mentioned in section eighty-seven, clauses (a), (b) and (c), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

89. From the first of July to the first of October 1871 in the territories respectively administered by the Chief Commissioners of Oudh and British Burma, a power of attorney not duly executed according to the provisions of section thirty-three shall, notwithstanding anything therein contained, be deemed to have been duly executed under the provisions of the same section, if the registering officer is satisfied that it has been executed in good faith, and if a power of attorney attested under the provisions of this Act cannot be obtained within the time during which the document sought to be registered can, under such provisions, be accepted for registration.

90. All rules relating to registration heretofore enforced in British Burma shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of any thing done under any of the said rules.

FIRST SCHEDULE.

(See Section 2.)

Number and year.	Title.	Extent of repeal.
XXII of 1864	An Act to make provision for the Administration of Military Cantonments.	Sections ten and forty-five.
XX of 1866	An Act to provide for the Registration of Assurances.	The whole.
XXVII of 1868	An Act to exempt certain Instruments from the Indian Registration Act, 1866.	The whole.
VII of 1870	The Court Fees Act	In Schedule I the number and words following: "3. Petition under the Indian Registration Act, section fifty-three."
	All Rules relating to the registration of documents and having the force of law in Oudh.	The whole.
	All Rules relating to the registration of documents and having the force of law in any part of British Burma.	The whole.

## SECOND SCHEDULE.

*Form of petition under section 73.*Stamp  
eight  
annas.

To the Judge of the District Court [or To the Deputy Commissioner] of

The            day of            18   .

The petition of A. B. of  
Sheweth—

1. That by an instrument dated the            day of            and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner absolutely.

2. That such instrument was executed by the said C. D. on the            day of            18   .

3. That the property to which such instrument relates is situate in the Sub-District of the Sub-Registrar of            and in the District of           

4. That on the            day of            your petitioner presented the said instrument for registration under "The Indian Registration Act, 1871," in the office of the said Sub-Registrar.

5. That the said Sub-Registrar thereupon made an order of refusal, dated the            day of            18   , to register the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

6. That your petitioner on the            day of            appealed to the Registrar of            against such order.

7. That the said Registrar thereupon made an order of refusal, dated the            day of            to direct the registration of the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

8. That the reasons referred to in paragraphs 5 and 7 of this petition are, as your petitioner submits, insufficient.

Your petitioner therefore prays that your Honour will order the said Sub-Registrar to register the said instrument.

A. B.

*Another Form.*Stamp  
eight  
annas.

To the Judge of the District Court [or To the Deputy Commissioner] of

The            day of            18   .

The petition of A. B. of  
Sheweth—

1. That by an instrument dated the            day of            and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner by way of mortgage to secure the sum of one thousand rupees.

2. That such instrument was executed by the said C. D. on the            day of            18   .

3. That the property to which such instrument relates is situate in the Sub-District of the Sub-Registrar of            and in the District of           

4. That on the            day of            your petitioner presented the said instrument for registration under the Indian Registration Act 1871 in the office of the said Sub-Registrar, and the said C. D. appeared personally before the said Sub-Registrar and falsely denied the execution of the said instrument.

5. That the said Sub-Registrar thereupon made an order of refusal dated the            day of            18   to register the said instrument and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

6. That your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so.

Your petitioner therefore prays that your Honour will order the said Sub-Registrar to register the said instrument.

A. B.

*Form of Verification.*

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed.) A. B.



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WHITLEY STOKES,  
Secy. to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th March 1871, and is hereby promulgated for general information :—

ACT No. IX OF 1871.

## THE INDIAN LIMITATION ACT, 1871.

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## AN ACT FOR THE LIMITATION OF SUITS AND FOR OTHER PURPOSES.

**WHEREAS** it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; And whereas it is also expedient to provide rules for acquiring ownership by possession; It is hereby enacted as follows:—

Preamble.

## PART I.

## PRELIMINARY.

1. This Act may be called 'The Indian Limitation Act, 1871.'

Extent of Act.

It extends to the whole of British India; but nothing contained in sections two and three or in Parts II and III applies—

(a) to suits instituted before the first day of April, 1873,

(b) to suits under the Indian Divorce Act.

(c) to suits under Madras Regulation VI of 1831.

Commencement.

This Act shall come into force on the first day of July 1871.

2. On and from that day the enactments mentioned in the first schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

Repeal of enactments.

3. In this Act, unless there be something repugnant in the subject or context—

Interpretation-clause.

'minor' means a person who has not completed his age of eighteen years:

'plaintiff' includes also any person through whom a plaintiff claims:

'nussance' means any thing done to the hurt or annoyance of another's immovable property and not amounting to a trespass:

'bill of exchange' includes also a hund:

'trustee' does not include a benāmidār, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title:

'registered' means duly registered under the law for the registration of documents in force at the time and place of executing the document referred to in the context:

'foreign country' means any country other than British India;

and nothing shall be deemed to be done in 'good faith' which is not done with due care and attention.

## PART II.

## LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

4. Subject to the provisions contained in sections five to twenty-six (inclusive), every suit instituted, appeal presented, and application made after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

*Explanation.*—A suit is instituted in ordinary cases when the plaint is presented to the proper officer: in the case of a pauper, when his application for leave to sue as a pauper is filed; and in

the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

*Illustrations.*

(a).—A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate court must dismiss the suit.

(b).—An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

5. a. If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens:

b. Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period;

6. When, by any law not mentioned in the schedule hereto annexed and limitation prescribed by now or hereafter to be in force in any part of British India, a period of limitation differing from that prescribed by this Act is specially prescribed for any suits, appeals or applications, nothing herein contained shall affect such law.

And nothing herein contained shall affect the periods of limitation prescribed for appeals from, or applications to review, any decree, order or judgment of a High Court in the exercise of its original jurisdiction.

*Legal Disability.*

Legal disability.

7. If a person entitled to sue be, at the time the right to sue accrued, a minor, or insane, or an idiot,

he may institute the suit within the same period after the disability has ceased, or (when he is at the time of the accrual affected by two disabilities) after both disabilities have ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

When his disability continues up to his death, his representative in interest may institute the suit within the same period after the death as would otherwise have been allowed from the time prescribed therefor in the third column of the same schedule.

Nothing in this section shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby the period within which the suit must be brought.

*Illustrations.*

(a). The right to sue for the hire of a boat accrues to A during his minority. He comes of age four years after the accrual of the right. He may institute his suit at any time within three years from the date of his coming of age.

(b). A, to whom a right to sue for a legacy has accrued during his minority, attains full age eleven years after such right accrued. A has, under the ordinary law, only one year remaining within which to sue. But under this section



an extension of two years will be allowed him, making in all a period of three years from the date of his majority, within which he may bring his suit.

(c). A right to sue for an hereditary office accrues to A, who at the time is insane. Six years after the accrual of the right A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(d). A right to sue as landlord to recover possession from a tenant accrues to A who is an idiot. A dies three years after the accrual of the right, his idiosyncrasy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but where no such discharge can be given, time will not run as against any of them until they all are free from disability.

9. When once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his representatives, for the purpose of following in his or their hands such property, shall be barred by any length of time.

*Explanation.*—A purchaser in good faith for value from a trustee is not his representative within the meaning of this section.

11. Suits in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

12. No foreign rule of limitations shall be a defence to a suit in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract, and the parties were domiciled in such country during the period prescribed by such rule.

### PART III.

#### COMPUTATION OF PERIOD OF LIMITATION.

13. In computing the period of limitation prescribed for any suit, the day on which the right to sue accrued shall be excluded.

In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper, an application to the High Court for the admission of a special appeal, and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against or sought to be reviewed, shall be excluded.

In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

14. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded, unless service of a summons to appear and answer in the suit can, during such absence, be made under the Code of Civil Procedure, section sixty.

15. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another suit, whether in a Court of first instance or in a Court of appeal, against the same defendant or some person whom he represents, shall be excluded, where the last-mentioned suit is founded upon the same right to sue, and is instituted in good faith in a Court which from defect of jurisdiction, or other cause of a like nature, is unable to try it.

*Explanation 1.*—In excluding the time during which a former suit was pending, the day on which that suit was instituted, and the day on which the proceedings therein ended, shall both be counted.

*Explanation 2.*—A plaintiff resisting an appeal presented on the ground of want of jurisdiction, shall be deemed to be prosecuting a suit within the meaning of this section.

16. In computing the period of limitation prescribed for any suit, the commencement of which has been stayed by injunction, the time of the continuance of the injunction shall be excluded.

17. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a suit to set aside the sale shall be excluded.

18. When a person who would, if he were living, have a right to sue, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative in interest of the deceased capable of suing.

When a person against whom, if he were living, a right to sue would have accrued, dies before the right accrues, the period of limitation shall be computed from the time when there is a representative whom the plaintiff may sue.

Nothing in the former part of this section applies to suits for the possession of land or of an hereditary office.

19. When any person having a right to sue has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, and where any document necessary to establish such right has been fraudulently concealed, the time limited for commencing a suit,

(a) against the person guilty of the fraud or accessory thereto, or,

(b) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

20. a. No promise or acknowledgment in respect of a debt or legacy shall take the case out of the operation of this Act, unless such promise or acknowledgment is contained in some writing signed, before the expiration of the prescribed period, by the party to be charged therewith or by his agent generally or specially authorized in this behalf.

Effect of acknowledgment in writing.

b. When such writing exists, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the promise or acknowledgment was signed.

c. When the writing containing the promise or acknowledgment is undated, oral evidence may be given of the time when it was signed. But when it is alleged to have been destroyed or lost, oral evidence of its contents shall not be received.

*Explanation 1.*—For the purposes of this section, promise or acknowledgment may be sufficient, though it omits to specify the exact amount of the debt or legacy, or avers that the time for payment or delivery has not yet come, or is accompanied by a refusal to pay or deliver, or is coupled with a claim to a set-off, or is addressed to any person other than the creditor or legatee;

but it must amount to an express undertaking to pay or deliver the debt or legacy or to an unqualified admission of the liability as subsisting.

*Explanation 2.*—Nothing in this section renders one of several partners or executors chargeable by reason only of a written promise or acknowledgment signed by another of them.

#### Illustrations.

Z, a bond-debtor, himself writes a letter promising to pay the debt to his creditor A. Z affixes his seal, but does not sign the letter:

Z pays part of the debt and promises orally to pay the rest:

Z publishes an advertisement, requesting his creditors to bring in their claims for examination:

In none of these cases is the debt taken out of the operation of this Act.

21. When interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent generally or specially authorized in this behalf,

Effect of payment of interest as such.

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent generally or specially authorized in this behalf,

Effect of part-payment of principal.

a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made:

Provided that, in the case of part-payment of principal, the debt has arisen from a contract in writing and the fact of the payment appears in

the handwriting of the person making the same, on the instrument, or in his own books, or in the books of the creditor.

22. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have commenced when he was so made a party:

Provided that, when a plaintiff dies, and the suit is continued by his representatives in interest, it shall, as regards them, be deemed to have commenced when it was instituted by the deceased plaintiff:

Provided also, that, when a defendant dies, and the suit is continued against his representatives in interest, it shall, as regards them, be deemed to have been commenced when it was instituted against the deceased defendant.

23. In the case of a suit for the breach of a contract, where there are successive breaches, a fresh right to sue arises, and a fresh period of limitation begins to run, upon every fresh breach; and where the breach is a continuing breach, a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the breach continues.

Nothing in the former part of this section applies to suits for the breach of contracts for the payment of money by instalments, where, on default made in payment of one instalment, the whole becomes due.

#### Illustrations.

(a.)—A contracts to pay an annuity to B for his life by quarterly instalments. A fails to pay any of the instalments. Here upon every fresh failure, a fresh right to sue arises and a fresh period of limitation begins to run; and this Act may bar the remedy on the earlier breaches without affecting the remedy on the later breaches.

(b.)—A, a tenant, covenants with B, his landlord, to keep certain buildings in repair. At every moment of the time during which the buildings continue out of repair and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

24. In the case of a continuing nuisance a fresh right to sue arises, and a fresh period of limitation begins to run, at every moment of the time during which the nuisance continues.

#### Illustration.

A diverts B's watercourse. At every moment of the time during which the diversion continues and B retains his right of entry, a fresh right to sue arises and a fresh period of limitation begins to run.

25. In the case of a suit for compensation for an act lawful in itself, which becomes unlawful in case it causes damage, the period of limitation shall be computed from the time when the damage accrues,

Suit for compensation for act becoming unlawful.

#### Illustration.

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation runs from the time of the subsidence.

26. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Computation of time mentioned in instruments.

*Illustrations.*

(a).—A Hindû makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(b).—A Hindû makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

## PART IV.

## ACQUISITION OF OWNERSHIP BY POSSESSION.

27. Where the access and use of light or air to and for any building has been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement, shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

*Explanation.*—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

*Illustrations.*

(a).—A suit is brought in 1871 for obstructing a right of way. The defendant admits the obstruction but denies the right of way. The plaintiff proves that the right was

peaceably and openly enjoyed by him claiming title thereto as an easement and as of right, without interruption, from 1st January 1850 to 1st January 1870. The plaintiff is entitled to judgment.

(b).—In a like suit also brought in 1871 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1848 to 1868. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(c).—In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had asked his leave to enjoy the right. The suit shall be dismissed.

28. Provided that, when any land or water upon, over or from which any easement (other than the access and use of light and air) has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof,

the time of the enjoyment of such easement during the continuance of such interest or term, shall be excluded in the computation of the said last mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

*Illustration.*

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a deceased Hindû widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

29. At the determination of the period hereby limited to any person for right to land or instituting a suit for possession of any land or hereditary office, his right to such land or office shall be extinguished.

## FIRST SCHEDULE.

(See section 2.)

Number and year.	Subject or title.	Extent of repeal.
21 Jac. I, cap. sixteen ...	An Act for limitation of actions and for avoiding of suits in law.	The whole Statute, so far as it applies to British India.
4 Ann. cap. sixteen ...	An Act for the amendment of the law and the better advancement of justice.	Sections seventeen, eighteen and nineteen, so far as they apply to British India.
33 Geo. III, cap. fifty-two ...	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	So much of section one hundred and sixty-two as relates to the limitation of civil suits in British India.
53 Geo. III, cap. one hundred and fifty-five.	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company.	Section one hundred and twenty-four, so far as it applies to British India.
9 Geo. IV, cap. seventy-four ...	Administration of Criminal Justice	So much of section fifty-one as relates to civil suits.
6 & 7 Vic., cap. ninety-four ...	Foreign Jurisdiction Act	Section seven, so far as it applies to British India.
Act No. XIV of 1840 ...	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 9 Geo. IV, cap. 14.	From and including the words "Whereas by an Act" down to and including the words "Defendants against the Plaintiff."
Act No. XI of 1841 ...	Military Courts of Requests	The proviso in section nine.
Act No. XX of 1847 ...	Copyright Act	In section sixteen, the words 'actions, suits, bills.'
Act No. XII of 1855 ...	An Act to enable Executors, Administrators or Representatives to sue and be sued for certain wrongs.	In section one, the words "and provided such action shall be brought within one year after the death of such person," and the words "and so as such action shall be commenced within two years after the committing of the wrong."



## FIRST SCHEDULE—continued.

Number and year.	Subject or title.	Extent of repeal.
Act No. XIII of 1855	Compensation for loss occasioned by death caused by actionable wrong.	In section two, the words "and that every such action shall be brought within twelve calendar months after the death of such deceased person."
Act No. XXV of 1857	Forfeiture for mutiny	Section nine.
Act No. VIII of 1859	The Code of Civil Procedure	In section one hundred and nineteen, the words "within a reasonable time not exceeding thirty days after any process for enforcing the judgment has been executed," and the words "within thirty days from the date of the judgment." In section two hundred and thirty, the words "within one month from the date of the dispossession." The last twelve words of section two hundred and forty-six. In section two hundred and fifty-six, the words "At any time within thirty days from the date of the sale." In section two hundred and sixty-nine, the words "if made within one month from the date of such existence or obstruction or of such dispossession, as the case may be." In section three hundred and twenty-four, the second sentence. In section three hundred and twenty-seven, the words "within six months from the date of the award." In section three hundred and thirty-three, from and including the words "within the period" down to the end of the section. In section three hundred and forty-seven, the words "within thirty days from the date of the dismissal." In section three hundred and seventy-three, the words "within the period prescribed for the presentation of a memorandum of appeal." So much of section three hundred and seventy-seven as has not been repealed.
Act No. XIV of 1859	An Act to provide for the limitation of suits.	The whole Act, except so much of section fifteen as does not relate to the limitation of suits.
Act No. IX of 1860	Workmen and employers	So much of section two as relates to the limitation of suits.

## FIRST SCHEDULE—concluded.

Number and year.	Subject or title.	Extent of repeal.
Act No. XXXI of 1860	Arms Act ...	So much of section forty-nine as relates to the limitation of suits.
Act No. V of 1861	Mofussil Police ...	So much of section forty-two as relates to the limitation of suits.
Act No. XXIII of 1861	Civil Procedure Code Amendment ...	Section twelve.
Act No. XXV of 1861	Criminal Procedure Code ...	Section four hundred and fifteen.
Act No. I of 1863	Civil Courts in British Burma ...	Section twenty-four.
Act No. VI of 1863	Consolidated Customs Act ...	So much of section two hundred and fourteen as relates to the limitation of suits.
Act No. XXIII of 1863	Claims to Waste-lands ...	So much of section five as relates to the limitation of suits.
Act No. VII of 1865	Government Forests Act ...	So much of section sixteen as relates to the limitation of suits.
Act No. XX of 1866	Registration Act ...	Section fifty-one.
Act No. XIV of 1868	Contagious Diseases Act ...	So much of section twenty-five as relates to the limitation of suits.
Act No. XX of 1869	Volunteers ...	So much of section twenty-six as relates to the limitation of suits.
Act No. X of 1870	Land Acquisition ...	So much of section fifty-eight as relates to the limitation of suits.
Act No. IV of 1871	Coroners ...	In section forty-two, the words 'after the expiration of three months from such fact or failure, nor.'
Bombay Regulation V of 1827...	A Regulation defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full consideration; also regarding Interest, the tendering payment of Debts, and the disposal of Property mortgaged or pledged.	Chapter one.

## SECOND SCHEDULE.

(See section 4.)

## FIRST DIVISION: SUITS.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part I.—Thirty days.</i>	
1.—To contest an award of the Board of Revenue under Act No. XXIII of 1863 (to provide for the adjudication of claims to waste-lands).	Thirty days ...	When notice of the award is delivered to the plaintiff.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part II.—Ninety days.</i>	
2.—For doing, or for omitting to do, an act in pursuance of any enactment in force for the time being in British India.	Ninety days ...	When the act or omission took place.
	<i>Part III.—Six months.</i>	
3.—Under Act No. XIV of 1859 (to provide for the limitation of suits), section fifteen, to recover possession of immoveable property.	Six months ...	When the dispossession occurs.
4.—Under Act No. IX of 1860 (to provide for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers), section one.	Ditto ...	When the wages, hire, or price of work claimed accrued due.
5.—Under Act No. V of 1866 (to provide a summary procedure on bills of exchange, and to amend, in certain respects, the commercial law of British India).	Ditto ...	When the bill or promissory note becomes due and payable.
	<i>Part IV.—One year.</i>	
6.—Upon a Statute, Act, Regulation, or bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a domestic servant, artisan or labourer not provided for by this schedule, No. 4.	Ditto ...	When the wages sued for accrue due.
8.—For the price of food or drink sold by the keeper of an hotel, tavern or lodging house.	Ditto ...	When the food or drink is delivered.
9.—For the price of lodging ...	Ditto ...	When the lodging ends.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes actual possession under the sale sought to be impeached.
11.—For damages for infringing copy-right or any other exclusive privilege.	Ditto ...	The date of the infringement.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part IV.—One year,—continued.</i>		
12.—By executors, administrators, or representatives under Act No. XII of 1855 (to enable executors, administrators or representatives to sue and be sued for certain wrongs).	One year ...	The date of the death of the person wronged.
13.—By executors, administrators or representatives under Act No. XIII of 1855 (to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong).	Ditto ...	The date of the death of the person killed.
14.—To set aside any of the following sales :—  (a) sale in execution of a decree of a Civil Court ;  (b) sale in pursuance of a decree or order of a Collector or other officer of revenue ;  (c) sale for arrears of Government revenue or for any demand recoverable as such arrears ;  (d) sale of a patni taluq sold for current arrears of rent.  <i>Explanation.</i> —In this clause 'patni' includes any intermediate tenure saleable for current arrears of rent.	Ditto ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
15.—To alter or set aside a decision or order of a civil court in any proceeding other than a suit.	Ditto ...	The date of the final decision or order in the case by a court competent to determine it finally.
16.—To set aside any act of an Officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto ...	The date of the act.
17.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue authorities for arrears of Government revenue.	Ditto ...	When the attachment, lease or transfer is made.
18.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto ...	When the payment is made.
19.—Against Government for compensation for land acquired for public purposes.	Ditto ...	The date of determining the amount of the compensation.
20.—Like suit for compensation when the acquisition is not completed.	Ditto ...	The date of the refusal to complete.
21.—For false imprisonment ...	Ditto ...	When the imprisonment ends.



## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part IV.—One year,—concluded.</i>		
22.—For any other injury to the person ...	One year ...	When the injury is committed.
23.—For a malicious prosecution ...	Ditto ...	When the plaintiff is acquitted.
24.—For libel ...	Ditto ...	When the libel is published.
25.—For slander ...	Ditto ...	When the words are spoken.
26.—For taking or damaging moveable property.	Ditto ...	When the taking or damage occurs.
27.—For loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
28.—For inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
29.—For an illegal, irregular or excessive distress.	Ditto ...	The date of the distress.
30.—For wrongful seizure of moveable property under legal process.	Ditto ...	The date of the seizure.
<i>Part V.—Two years.</i>		
31.—For obstructing a way or a water-course	Two years ...	The date of the obstruction.
32.—For diverting a water-course ...	Ditto ...	The date of the diversion.
33.—For wrongfully detaining title-deeds.	Ditto ...	When the title to the property comprised in the deeds is adjudged to the plaintiff, or the detainer's possession otherwise becomes unlawful.
34.—For wrongfully detaining any other moveable property.	Ditto ...	When the detainer's possession becomes unlawful.
35.—For specific recovery of moveable property in cases not provided for by this schedule, numbers 48 and 49.	Ditto ...	When the property is demanded and refused.
36.—Against a carrier for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
37.—Against a carrier for delay in delivering goods.	Ditto ...	When the goods ought to be delivered.
38.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Ditto ...	The time of the perversion.
39.—Under Act No. XII of 1855 (to enable executors, administrators or representatives to sue and be sued for certain wrongs) against an executor, administrator or other representative.	Ditto ...	When the wrong complained of is done.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part V.—Two years,—concluded.</i>	
40.—For compensation for any wrong, malfeasance, nonfeasance or misfeasance independent of contract and not herein specially provided for.	Two years ...	When the wrong is done or the default happens.
41.—For the recovery of a wife ...	Ditto ...	When possession is demanded and refused.
42.—For the restitution of conjugal rights	Ditto ...	When restitution is demanded and refused.
	<i>Part VI.—Three years.</i>	
43.—For trespass upon immoveable property.	Three years ...	When the trespass takes place.
44.—To contest an award under any of the following Regulations of the Bengal Code:—  VII of 1822, IX of 1825, and IX of 1838.	Ditto ...	The date of the final award or order in the case.
45.—By a party bound by such award to recover any property comprised therein.	Ditto ...	Ditto.
46.—By any person bound by an order respecting the possession of property made under Act No. XVI of 1838, section one, clause two, or Act No. XXV of 1861, chapter twenty-two, or Bombay Act No. V of 1864, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
47.—For lost moveable property not dishonestly misappropriated or converted.	Ditto ...	When the property is demanded and refused.
48.—For moveable property acquired by theft, extortion, cheating, or dishonest misappropriation or conversion.	Ditto ...	Ditto.
49.—For the hire of animals, vehicles, boats or household furniture.	Ditto ...	When the hire becomes payable.
50.—For the balance of money advanced in payment of goods to be delivered.	Ditto ...	When the goods ought to be delivered.
51.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto ...	The date of the delivery of the goods.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: Suits—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years,—continued.</i>		
52.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Three years ...	The expiry of the period of credit.
53.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto ...	When the period of the proposed bill elapses.
54.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto ...	The date of the sale.
55.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto ...	When the work is done.
56.—For money payable for money lent	Ditto ...	When the loan is made.
57.—Like suit when the lender has given a cheque for the money.	Ditto ...	When the cheque is paid.
58.—For money lent under an agreement that it shall be payable on demand.	Ditto ...	When the demand is made.
59.—For money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
60.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ...	When the money is received.
61.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto ...	When the interest becomes due.
62.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated, unless where the debt is made payable at a future time and then when that time arrives.
63.—Upon a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	At the time specified or upon the contingency happening.
64.—Against a factor for an account ...	Ditto ...	When the account is demanded or, where no such demand is made, when the agency terminates.
65.—On a single bond where a day is specified for payment.	Ditto ...	The day so specified.
66.—On a single bond where no such day is specified.	Ditto ...	The date of executing the bond.
67.—On a bond subject to a condition ...	Ditto ...	When the condition is broken.
68.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
69.—On a bill of exchange payable at or after sight.	Ditto ...	When the bill is presented.
70.—On a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years—continued.</i>		
71.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Three years ...	When the fixed time expires.
72.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Ditto ...	When the demand is made.
73.—By the endorsee of a bill or promissory note against the endorser.	Ditto ...	The date of the endorsement.
74.—On a promissory note or bond payable by instalments.	Ditto ...	The expiration of the first term of payment, as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that if default be made in payment of one instalment the whole shall be due.	Ditto ...	The time of the first default, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The time of the delivery to the payee.
77.—On a dishonoured foreign bill where protest has been made and notice given.	Ditto ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
79.—Like suit when the bill has been dishonoured by non-acceptance and afterwards by non-payment.	Ditto ...	Ditto.
80.—Suit on a bill of exchange or promissory note not herein expressly provided for.	Ditto ...	When the bill or note becomes payable.
81.—By the acceptor of an accommodation-bill against the drawer.	Ditto ...	When the acceptor pays the amount.
82.—By a surety against the principal debtor.	Ditto ...	When the surety pays the creditor.
83.—By a surety against a co-surety ...	Ditto ...	When the plaintiff pays anything in excess of his own share.
84.—Upon any other contract to indemnify	Ditto ...	When the plaintiff is actually damaged.
85.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
86.—For compensation for damage caused by an injunction wrongfully obtained.	Ditto ...	When the injunction ceases.



## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
	<i>Part VI.—Three years—continued.</i>	
87.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Three years ...	The time of the last item admitted or proved in the account.
88.—On a policy of insurance when the sum assured is payable after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received, to or by the insurers, whether by or from the plaintiff, or any other person.
89.—By the assured to recover premium paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.
90.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto ...	When the account is demanded and refused.
91.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct occurs.
92.—To cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the instrument is executed.
93.—To declare the forgery of an instrument issued, or registered, or attempted to be enforced.	Ditto ...	The date of the issue, registration, or attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity and has knowledge of the conveyance.
95.—For relief on the ground of fraud ...	Ditto ...	When the fraud becomes known to the party wronged.
96.—To set aside a decree obtained by fraud.	Ditto ...	Ditto.
97.—For relief on the ground of mistake in fact.	Ditto ...	When the mistake becomes known to the plaintiff.
98.—For money paid upon an existing consideration, which afterwards fails.	Ditto ...	The date of the failure.
99.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death, or if the loss has not then been occasioned, the date of the loss.
100.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate who has paid the whole amount of revenue due from himself and his co-sharers.	Ditto ...	The date of the plaintiff's advance in excess of his own share.
101.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUTS:—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VI.—Three years—concluded.</i>		
102.—For a seaman's wages ...	Three years ...	The end of the voyage during which the wages are earned.
103.—By a Muhammadan for exigible dower ( <i>mawajjal</i> ).	Ditto ...	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower ( <i>mawajjal</i> ).	Ditto ...	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	The date of the receipt.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
107.—By a Hindú manager of a joint estate for contribution in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
109.—For the profits of immoveable property belonging to the plaintiff wrongfully received by the defendant.	Ditto ...	When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, the date of the decree of the appellate court.
110.—For arrears of rent. ...	Ditto ...	When the arrears become due.
111.—By a vendor of immoveable property to enforce his lien for unpaid purchase-money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any Statute or Act.	Ditto ...	When the call was made.
113.—For specific performance of a contract.	Ditto ...	When the plaintiff has notice that his right is denied.
114.—For the rescission of a contract ...	Ditto ...	When the contract is executed by the plaintiff.
115.—For the breach of any contract, express or implied, not in writing registered, and not herein specially provided for.	Ditto ...	When the contract is broken, or (where there are successive breaches) when the breach sued for occurs, or (where the breach is continuing) when it ceases.
<i>Part VII.—Six years.</i>		
116.—Upon a judgment obtained in a foreign country.	Six years ...	The date of the judgment.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VII.—Six years—continued.</i>		
117.—On a promise or contract in writing registered.	Six years ...	When the period of limitation would begin to run against a suit brought on a similar promise or contract not registered.
118.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	When the right to sue accrues.
<i>Part VIII.—Twelve years.</i>		
119.—By an auction-purchaser or any one claiming under him to avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, the estate being, by virtue of such sale, freed from incumbrances and under-tenures.	Twelve years ...	When the sale becomes final and conclusive.
120.—To avoid incumbrances or under-tenures in a <i>patni taluq</i> or other saleable tenure sold for arrears of rent, the taluq or tenure being, by virtue of such sale, freed from incumbrances and under-tenures.	Ditto ...	When the sale becomes final and conclusive.
121.—Upon a judgment obtained in British India, or a recognizance.	Ditto ...	The date of the judgment or recognizance.
122.—For a legacy or for a distributive share of the moveable property of a testator or intestate.	Ditto ...	When the legacy or share becomes payable or deliverable.
123.—For possession of an hereditary office.	Ditto ...	When the defendant, or some person through whom he claims, took possession of the office adversely to the plaintiff.  <i>Explanation.</i> —An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
124.—Suit during the life of a Hindú widow by a Hindú entitled to the possession of land on her death to have an alienation made by the widow declared to be void except for her life.	Ditto ...	The date of the alienation.
125.—By a Hindú governed by the law of the Mitáksharâ to set aside his father's alienation of ancestral property.	Ditto ...	The date of the alienation.
126.—Like suit by a Hindú governed by the law of the Dáyabhâga.	Ditto ...	When the father dies.
127.—By a Hindú excluded from joint-family property to enforce a right to share therein.	Ditto ...	When the plaintiff claims and is refused his share.
128.—By a Hindú for maintenance ...	Ditto ...	When the maintenance sued for is claimed and refused.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VIII.—Twelve years—continued.</i>		
129.—To establish or set aside an adoption.	Twelve years ...	The date of the adoption, or (at the option of the plaintiff) the date of the death of the adoptive father.
130.—For the resumption or assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrued;  Provided that no such suit shall be maintained where the land forms part of a permanently-settled estate, and has been held rent-free from the time of the Permanent Settlement.
131.—To establish a periodically recurring right.	Ditto ...	When the plaintiff is first refused the enjoyment of the right.
132.—For money charged upon immoveable property.	Ditto ...	When the money sued for becomes due.
<i>Explanation.</i> —The allowance and fees called <i>mālikāna</i> and <i>haggr</i> shall, for the purposes of this clause, be deemed to be money charged upon immoveable property.		
133.—To recover moveable property conveyed in trust, deposited or pawned and afterwards bought from the trustee, depositary or pawnee in good faith and for value.	Ditto ...	The date of the purchase.
134.—To recover possession of immoveable property conveyed in trust or mortgaged and afterwards purchased from the trustee or mortgagee in good faith and for value.	Ditto ...	The date of the purchase.
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto ...	When the mortgagee is first entitled to possession.
136.—By a purchaser at a private sale for possession of the immoveable property sold, when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the execution-debtor was out of possession at the date of the sale.	Ditto ...	When the execution-debtor is first entitled to possession.
138.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when he never has had possession.	Ditto ...	The date of the sale.
139.—Like suit when the purchaser had possession, but was afterwards dispossessed.	Ditto ...	The date of the dispossession.
140.—By a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.



## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of suit.	Period of limitation.	Time when period begins to run.
<i>Part VIII.—Twelve years,—continued.</i>		
141.—By a remainderman, a reversioner, (other than a landlord) or a devisee, for possession of immoveable property.	Twelve years ...	When his estate falls into possession.
142.—Like suit by a Hindú entitled to the possession of immoveable property on the death of a Hindú widow.	Ditto ...	When the widow dies.
143.—For possession of immoveable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
144.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto ...	When the forfeiture was incurred or the condition broken.
145.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto ...	When the possession of the defendant, or of some person through whom he claims, became adverse to the plaintiff.
146.—For a declaration of right to an easement.	Ditto ...	When the easement ceased to be enjoyed by the plaintiff, or the persons on whose behalf he sues.
<i>Part IX.—Thirty years.</i>		
147.—Against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years ...	The date of the deposit or pawn, unless where an acknowledgment of the title of the depositor or pawnor, or of his right of redemption, has before the expiration of the prescribed period been made in writing signed by the depositary, or pawnee, or some person claiming under him, and, in such case, the date of the acknowledgment.
<i>Part X.—Sixty years.</i>		
148.—Against a mortgagee to recover possession of immoveable property mortgaged.	Sixty years ...	The date of the mortgage, unless where an acknowledgment of the title of the mortgagor or of his right of redemption has, before the expiration of the prescribed period, been made in writing signed by the mortgagee or some person claiming under him, and, in such case, the date of the acknowledgment: Provided that all claims to redeem arising under instruments of mortgage of immoveable property situate in British Burma, which have been executed before the first day of May 1863, shall be governed by the rules of limitation in force in that Province immediately before the same day.

## SECOND SCHEDULE—continued.

## FIRST DIVISION: SUITS—continued.

Description of application.	Period of limitation.	Time when period begins to run.
	<i>Part X.—Sixty years,—continued.</i>	
149.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Sixty years ...	When any part of the principal or interest was last paid on account of the mortgage debt.
150.—Any suit in the name of the Secretary of State for India in Council.	Ditto ..	When the right to sue accrued.

## SECOND DIVISION: APPEALS.

Description of appeals.	Period of limitation.	Time when period begins to run.
151.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days ...	The date of the decree appealed against.
152.—Under the Code of Criminal Procedure to any Court other than the High Court.	Ditto ...	The date of the sentence or order appealed against.
153.—Under the same Code to the High Court.	Sixty days ...	Ditto.
154.—Under the Code of Civil Procedure to the High Court.	Ninety days ...	The date of the decree appealed against.

## THIRD DIVISION: APPLICATIONS.

Description of application.	Period of limitation.	Time when period begins to run.
155.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court and notice of the submission has been given to the persons and in manner prescribed by the High Court.
156.—By a plaintiff for an order to set aside a judgment by default.	Thirty days ...	The date of the judgment.
157.—By a defendant for an order to set aside a judgment <i>ex parte</i> .	Ditto ...	The date of executing any process for enforcing the judgment.
158.—Under the Code of Civil Procedure, by a person dispossessed of immoveable property and disputing the right of the decreeholder to be put into possession.	Ditto ...	The date of the dispossession.

## SECOND SCHEDULE—continued.

## THIRD DIVISION: APPLICATIONS—continued.

Description of application.	Period of limitation.	Time when period begins to run.
159.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale.	Thirty days ...	The date of the sale.
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161.—For re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.
162.—For leave to appeal as a pauper ...	Ninety days ...	The date of the decree appealed against.
163.—To a High Court for the admission of special appeal.	Ditto ...	Ditto.
164.—For a review of judgment ...	Ditto ...	The date of the decree.
165.—Under the Code of Civil Procedure, section three hundred and twenty seven, that an award be filed in Court.	Six months ...	The date of the award.
166.—For the execution of a decision (other than a decree or order passed in a regular suit or an appeal) of a Civil Court or of a Revenue Court.	One year ...	The date of the decision, or of taking some proceeding to enforce or keep in force the decision.
167.—For the execution of a decree or order of any Civil Court not provided for by No. 169.	Three years ...	<p>The date of the decree or order,</p> <p>or (where there has been an appeal) the date of the final decree or order of the Appellate Court,</p> <p>or (where there has been a review of judgment) the date of the decision passed on the review,</p> <p>or (where the application next hereinafter mentioned has been made) the date of applying to the Court to enforce, or keep in force, the decree or order,</p> <p>or (where the notice next hereinafter made has been issued) the date of issuing a notice under the Code of Civil Procedure, section two hundred and sixteen,</p> <p>or (where the application is to enforce payment of an instalment which the decree directs to be paid at a specified date) the date so specified.</p>

## SECOND SCHEDULE—concluded.

## THIRD DIVISION : APPLICATIONS,—continued.

Description of application.	Period of limitation.	Time when period begins to run.
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169.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction.	Twelve years ...	<p>When a present right to enforce the judgment, decree or order accrued to some person capable of releasing the right :</p> <p>Provided that, when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments, as the case may be.</p>

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